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POLICY (I-E): COMPLIANCE WITH THE MULTIETHNIC PLACEMENT ACT (MEPA)

The Division must comply with the Multiethnic Placement Act (MEPA) in making foster care and adoptive placements. The act provides for assessment of individual liability to staff for knowingly violating MEPA requirements.

The Multiethnic Placement Act prohibits delaying or denying the placement of a child for adoption or foster care on the basis of race, color or national origin of the adoptive or foster parent or the child involved; and prohibits denying any individual the opportunity to become a foster or adoptive parent on the basis of the prospective parent's or the child's race, color, or national origin.

In addition, it requires that, to remain eligible for federal assistance for their child welfare programs, states must diligently recruit foster and adoptive parents who reflect the racial and ethnic diversity of the children in the state who need foster and adoptive homes.

Consideration of race, color, or national origin is permissible only when an individual determination is made that the facts and circumstances of a particular case require the consideration of race, color, or national origin in order to advance the best interests of the child in need of placement. The Division's compliance with the Indian Child Welfare Act of 1978 (P.L. 95-608) does not violate MEPA.

POLICY (I-F): CONFIDENTIALITY

The purpose of this policy is to assist employees in determining what information is confidential, to whom confidential information can be released, and the consequences of wrongful release of the information.

The Division of Children and Family Services is committed to best practice in relation to respecting client confidentiality. All employees of the Division shall maintain the confidentiality of children and families served by DCFS. Confidentiality applies to verbal, written and/or electronic transmittal of information.

- Reports, correspondence, memoranda, case histories, or other materials compiled or received by a licensee or a state agency engaged in placing a child, including both foster care and protective services records, shall be confidential and shall not be released or otherwise made available, except to the extent permitted by federal law and only:

- A) To the director as required by regulation;
- B) For adoptive placements, as provided by the Revised Uniform Adoption Act, § 9-9-201 et seq.;
- C) To multidisciplinary teams under § 12-12-502(b);
- D) To the child's custodial/non-custodial parent(s) parent, guardian, or custodian.

However, the licensee or state agency may redact information from the record such as the name or address of foster parents or providers when it is in the best interest of the child. The licensee or state agency shall redact counseling records, psychological or psychiatric evaluations, examinations or records, drug screens or drug evaluations, or similar information concerning a parent if the other parent is requesting a copy of a record;

- E) To the child;
- F) To health care providers to assist in the care and treatment of the child at the discretion of the licensee or state agency and if deemed to be in the best interest of the child. Health care providers include doctors, nurses, emergency medical technicians, counselors, therapists, mental health professionals, and dentists;
- G) To school personnel and day care centers caring for the child at the discretion of the licensee or state agency and if deemed to be in the best interest of the child;
- H) To foster parents, the foster care record for foster children currently placed in their home. However, information about the parents or guardians and any siblings not in the foster home shall not be released (See Policy VII-B: Providing Information to Foster Parents.);
- I) To the Child Welfare Agency Review Board. However, at any board meeting no information which identifies by name or address any protective services recipient or foster care child shall be orally disclosed or released in written form to the general public;
- J) To the Division of Youth Services, including child welfare agency licensing specialists;
- K) For any audit or similar activity conducted in connection with the administration of any such plan or program by any governmental agency which is authorized by law to conduct such audit or activity;
- L) Upon presentation of an order of appointment, to a court-appointed special advocate;
- M) To the Attorney Ad Litem for the child;
- N) For law enforcement or the prosecuting attorney at the discretion of the licensee or state agency and if deemed to be in the best interest of the child;
- O) To circuit courts, as provided for in the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.;
- P) In a criminal or civil proceeding conducted in connection with the administration of any such plan or program;

- Q) For purposes directly connected with the administration of any of the state plans as outlined;
- R) For the administration of any other federal or federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need; or
- S) To individual federal and state representatives, senators, and their staff members, with no redisclosure of information.

No disclosure shall be made to any committee or legislative body of any information which identifies by name or address any recipient of services; or

- T) To a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury.

Foster home and adoptive home records are confidential and shall not be released except:

- To the foster parents or adoptive parents;
- For purposes of review or audit, by the appropriate federal or state agency;
- Upon allegations of child maltreatment in the foster home or adoptive home, to the investigating agency;
- To the Child Welfare Agency Review Board;
- To the Division of Children and Family Services, including child welfare agency licensing specialists;
- To law enforcement or the prosecuting attorney, upon request;
- To a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury; or
- To individual federal and state representatives and senators and their staff members with no redisclosure of information.
- No disclosure shall be made to any committee or legislative body of any information that identifies by name or address any recipient of services.

Any person or agency to whom disclosure is made shall not disclose to any other person reports or other information obtained pursuant to this subsection.

Any person disclosing information in violation of this subsection shall be guilty of a Class C misdemeanor.

- Information is confidential if it is not intended to be disclosed to persons other than those to whom disclosure is allowed under the statute.
- The Family Service Worker may by law sign for releases of information for children in DHS custody. The Family Service Worker must present a copy of the custody order to receive medical and school records. The DHS-81 (Consent for Release of Information) must be signed by the parent to receive copies of parent's records, however, the parent's signature is not necessary for obtaining records for the child.
- An Attorney Ad Litem shall be provided access to all records relevant to the child's case, including, but not limited to, school records, medical records, juvenile court records and Department of Human Services records to the extent permitted by federal law.

FOSTER CHILD CONFIDENTIALITY

When a release of information regarding a child is requested, the FSW shall take the necessary steps to guard the confidentiality of personal information. The steps include: (1) assuring that no identifying or potentially harmful information on a child is released, and (2) the consent shall be reviewed and approved by OCC. Court orders that direct the release of specific information to specified offices, agencies or people shall be construed as proper consent for release of information. No other consent is necessary. However, OCC should be informed whenever such a release of information is being made.

Requests for media releases includes requesting permission to release photographs, voice reproductions, slides, video tapes, movie films, promotional pamphlets, news releases, etc. The FSW shall review the contents of such release along with OCC and make any necessary modifications. Consideration should be given to the protection of the child's identity and assurances that the contents of the material released will present the child in a light that would not be distasteful or negative to the child. The Director of the Division of Children and Family Services or designee shall be consulted in matters that may reflect on the Division. In cases of consents for coverage by news media, consultation should also be sought from the Director of Communications. This consent must be signed by the Assistant Director of Community Support. The foster parents shall be informed of these policies.

The Adoption Specialist must receive documented consent from a child ten (10) years of age or older, to show photographs for recruitment of an adoptive family.

CONFIDENTIALITY OF ADOPTION RECORDS

Non-identifying information from finalized records can only be released by the Arkansas Mutual Consent Voluntary Adoption Registry. Identifying information from a finalized record can only be released by court order.

INVESTIGATIVE REPORTS

Child maltreatment investigative reports are confidential. There are two types of child maltreatment investigative determinations: Unsubstantiated and Substantiated.

Unsubstantiated child maltreatment reports can only be released to:

- The SUBJECT of the report;
- The Prosecutor for the purpose of prosecuting false reports; and
- The Court if it is necessary for determination of an issue before the Court.

Substantiated or True child maltreatment reports can only be released to:

- The SUBJECT of the report; and
- The appropriate law enforcement agency and prosecuting attorney in cases of severe maltreatment.
- See A.C.A. 12-12-512; A.C.A. 12-12-514.

The Department may disclose the investigative determination of any offender when the offender is engaged in child-related activities or employment, and the Department has determined that children under the care of the offender are at risk of maltreatment by the offender.

A Court Appointed Special Advocate (CASA) and Attorney Ad Litem (AAL) can obtain a copy of a true report from the Central Registry on a child they are representing.

Information contained in the Central Registry is confidential. It can only be released to:

- The administration of the adoption, foster care, children's protective services programs, or child care licensing programs OF ANY STATE;
- Federal, state, or local government entities, or any agent of such entities, that needs to know the information to carry out its responsibilities to protect children from abuse or neglect;
- The SUBJECT of a true of report. The subject of a report includes: the offender, the victim child and the custodial/non-custodial parent(s), guardians or legal custodians of the victim child. A non-custodial parent is still a parent and gets the report;
- A civil court or administrative proceeding when it is necessary to determine an issue before the court or administrative agency;

- The administration of a federally assisted program which provides assistance to individuals on the basis of need;
- An audit by a governmental agency authorized by law to conduct the audit;
- A bona fide research project but without identifying information, such as names. You will know if it is a bona fide research project because the Director of the Department must give written approval;
- A multi-disciplinary team;
- The Division of Child Care and Early Childhood Education and the child care facility owner or operator for the limited purpose of providing a Central Registry background check on employees and shall include a true finding only;
- Child abuse citizen panels;
- Child fatality review panels;
- The general public, the findings about the case of child abuse which has resulted in a child fatality or near fatality; but the Central Registry may redact any information concerning siblings, attorney-client communications and other confidential communications.
- A grand jury or court when it is necessary to determine an issue;
- The CURRENT foster parents of a child who is the subject of a report;
- The prosecuting attorney or law enforcement officers on request; and
- The employer of any offender when the offender is engaged in child related activities.
- See A.C.A. §12-12-506.
- True reports may be disclosed to individual federal and state senators and representatives who agree not to allow any redisclosure of information, provided that no disclosure shall be made to any committee or legislative body of any information which identifies any recipient of services by name or address.
- True reports that have been administratively appealed pursuant to the Child Maltreatment Act and which have been stayed because of criminal proceedings shall not be disclosed other than for administration of adoption, foster care, or children's protective services programs.
- A relative or friend of the subject of the report can not get the information. This is true even if the relative or friend is calling on behalf of the subject of the report. The stepparent does not get the information unless the stepparent is the subject of the report. See A.C.A. §12-12-506. When the non-custodial parent has a child in the custodial parent's home, but that child is not the subject of the report, the non-custodial parent does not get the report.

If you wrongfully disclose confidential information, you are guilty of a Class C or Class A misdemeanor and you can lose your job. For a Class C misdemeanor, the sentence shall not exceed 30 days in the county jail and a \$100 fine. For a Class A misdemeanor, the sentence shall not exceed one year in the county jail and a \$1,000 fine. The difference in the two sentences depends on which statute is used. See A.C.A. 12-12-504 or A.C.A. §12-12-506.

PROVISIONAL INFORMATION

The following receive child maltreatment reports determined to be substantiated or unsubstantiated and the services offered and provided:

- A mandated reporter;
- The school counselor; and
- A person or agency that is providing professional services to the victim child. See A.C.A. §12-12-515.

THE NAME AND ANY IDENTIFYING INFORMATION OF THE REPORTER IS ALWAYS CONFIDENTIAL. The Court may order you to reveal the name of the reporter. Then, and only then, may you reveal the name. A.C.A. §12-12-506.

FREEDOM OF INFORMATION ACT

The general public can discover some information about you. Your personnel record can be disclosed, unless to do so would clearly be an unwarranted invasion of privacy. Therefore, the Department can not release your Social Security Number, your school transcripts, your PPES information unless you are suspended or terminated as a result of your PPES score, or any grievance information. Grievance information becomes public record after the grievance process is completed if a grievance is appealed to the State Grievance Review Committee. If the grievance is not appealed to the state level, the discipline does not become public record. See A.C.A §25-19-105.

See these policy sections for more information on confidentiality: Policy (II-D): Child Maltreatment Central Registry; Procedure (II-D1): Requests for Central Registry Information; Procedure (II-D2) Requests for Information from Agencies Providing Protective Services; Policy (VII-B): Providing Information to Foster Parents; Procedure (VII-B1): Providing Information to Foster Parents.

POLICY(II-C): CHILD ABUSE HOTLINE FOR CHILD MALTREATMENT REPORTS

Pursuant to Act 1240 of 1997, the Department of Human Services and the Arkansas State Police (ASP) entered into an agreement for the Arkansas State Police Crimes Against Children Division to assume responsibility for the administration of the Child Abuse Hotline and the assumption of investigative responsibility as identified in Procedure (II-E11). The Crimes Against Children Division (CACD) is composed of three sections: 1) the Child Abuse Hotline, 2) civilian employees who assess child maltreatment reports, and 3) a law enforcement unit which conducts criminal child maltreatment investigations.

All child maltreatment allegations are to be reported to the Child Abuse Hotline. No privilege, or contract, shall prevent anyone from reporting child maltreatment when the person is a mandated reporter. (See Glossary.)

No privilege shall prevent anyone, except between a client and his lawyer or minister or Christian Scientist practitioner, and any person confessing to or being counseled by the minister, from testifying concerning child maltreatment.

The Arkansas Child Maltreatment Hotline must accept reports of alleged maltreatment when either the child or his family is present in Arkansas or the incident occurred in Arkansas.

If the alleged maltreatment occurred in another state, the Hotline shall: (1) screen out the report, (2) forward it to the other state's hotline for investigation and (3) send a copy of the report to the appropriate investigating agency in Arkansas to initiate courtesy interviews. The Arkansas agency should contact the other state and advise them of our willingness to assist their investigation (e.g. courtesy interviews).

If the alleged maltreatment occurred in another state, but the alleged offender is a resident of Arkansas AND the report of child maltreatment in the other state or country would also be child maltreatment in Arkansas at the time the incident occurred, the Hotline shall refer the report to DCFS or the Crimes Against Children Division (CACD) of the Arkansas State Police, as appropriate. Arkansas DCFS or CACD can investigate alone or together with the investigative agency from the other state or country. Arkansas DCFS or CACD shall investigate AND shall notify the alleged offender that if the allegation is determined to be true, the offender's name will be placed in the Arkansas Central Registry. The other state may also conduct an investigation in Arkansas that results in the offender being named in a true report in that state and placed in that state's Central Registry. If the alleged maltreatment occurred in Arkansas, but the victim, his parents and/or the alleged offender no longer reside here, the Hotline will accept the report. The Arkansas investigating agency (DCFS or CACD) will contact the other state and request courtesy interviews with the out-of-state subjects of the report.

If the Hotline is notified of alleged child maltreatment of a client or resident in any facility licensed or registered by the State of Arkansas, the investigating agency (CACD or DCFS) will immediately notify the facility's licensing or registering authority of the suspected maltreatment.

The Crimes Against Children Division maintains an around the clock statewide intake process (the Child Abuse Hotline) for accepting reports of alleged child maltreatment. A uniform protocol is used for screening and prioritizing all allegations of child maltreatment. The investigating agency shall notify local law enforcement immediately of all reports of severe maltreatment. The investigating agency will initiate an investigation in cooperation with law enforcement and the prosecuting attorney within 24 hours.

POLICY (II-D): CHILD MALTREATMENT CENTRAL REGISTRY

The Division of Children and Family Services maintains a statewide Central Registry for the collection of child maltreatment investigative reports. Reports made to the Department are confidential and may be disclosed only as provided by Ark. Code Ann. § 12-12-505-506. True reports shall be retained. Information included in the automated data system shall be retained indefinitely to assist the Department in assessing future risk and safety. Hard copy records of unsubstantiated reports are not part of the Central Registry. They will be destroyed by the investigating agency at the end of the month in which the determination is made.

There can be no disclosure of unsubstantiated reports except for release to the prosecutor, to a subject of the report, and to the court if the information in the record is necessary for a determination of an issue before the court, to individual federal and state senators and representatives and their staff members (no disclosure may be made to any committee or legislative body), to law enforcement agencies and to any appropriate licensing or registering authority. Any person or agency to whom disclosure is made shall not further disclose the information to any other person. Any records of screened-out reports of child maltreatment shall not be disclosed and may only be used within the Department for purposes of administration of the program.

True reports may be disclosed to individual federal and state senators and representatives who agree not to allow any re-disclosure of information, provided that no disclosure shall be made to any committee or legislative body of any information which identifies any recipient of services by name or address.

True reports that have been administratively appealed pursuant to the Child Maltreatment Act and which have been stayed because of criminal proceedings shall not be disclosed other than for administration of adoption, foster care, or children's protective services programs.

The Department shall identify the types of child maltreatment for which the offender is eligible for automatic removal of his name from the Central Registry under certain conditions. Types of child maltreatment are defined in Pub-357 (Child Maltreatment Assessment Protocol). (See Policy IX-D Removal of An Offender's Name from Central Registry.)

If a person's name has been entered into the Central Registry as an offender for these named types of child maltreatment, the offender's name shall be removed when the offender has not had a subsequent true report of this type for one (1) year, and more than one (1) year has lapsed since the closure of any protective services or foster care case opened as a result of this report.

The Department will also identify types of child maltreatment for which an offender can request the Department to remove his name from the Central Registry if there has not been a subsequent true report for this type for five (5) years, and more than five (5) years have lapsed since the closure of any protective services or foster care case opened as a result of this report. (See Policy IX-D [Removal of An Offenders Name from Central Registry].)

If an offender is criminally convicted of a crime, an element of which is child maltreatment, as defined by Arkansas law, the offender's name shall always remain in the Central Registry.

PROCEDURE (II-D1): Requests for Central Registry Information

The Family Service Worker or DCFS Supervisor will

- Refer immediately by telephone or fax to Central Registry all requests.
- Send requested information to the Central Registry.

PROCEDURE (II-D3) Central Registry Fees

The Department of Human Services may charge a reasonable fee, not to exceed ten dollars (\$10.00), for research, copying and mailing records of the investigative files of child maltreatment cases and Central Registry information. DHS may also charge a reasonable fee for reproducing copies of tapes and photographs.

No fee will be charged to a:

- Nonprofit or volunteer agency that requests searches of the investigative files;
- Person who is indigent.

PROCEDURE (II-D4) Requests for Information from Employers who Work with Children

Employers or volunteer agencies that want to screen employees, applicants or volunteers who are, or will be, engaged in employment or activity with children may request information from the Central Registry. The employer or volunteer agency must submit a signed, notarized release from the employee, applicant or volunteer.

The Central Registry may release only the following information on true reports to the employer or agency:

- There is a true report on the employee, applicant or volunteer;
- The date the investigation was completed, and
- The type of true report.

PROCEDURE (II-D5) Information Disclosure on Pending Investigations

Information on pending investigations is confidential and may be disclosed only in accordance with the specific guidelines provided below.

Information on pending investigations shall be released upon request to:

- The Department of Human Services;
- Law enforcement;
- The prosecuting attorney's office;
- Multidisciplinary Teams ;
- Any licensing or registering authority (only to the extent necessary to carry out the authority's official responsibilities);
- Individual federal and state senators, representatives, and their staff members, who agree not to allow any redisclosure of the information. (No disclosure may be made to any committee or legislative body.)

NOTE: THE DISCLOSED INFORMATION SHALL BE MAINTAINED AS CONFIDENTIAL.

Information on pending investigations may be released to, or disclosed in, a circuit court, custody case or similar case if:

- No seventy-two (72) hour hold has been exercised under the Child Maltreatment Act §12-12-501, or pleadings filed pursuant to the Arkansas Juvenile Code of 1989 § 9-27-301, et seq.;

- Written notice of intent to request to release, or disclose, is provided to the investigating agency at least five (5) days before the date for release or disclosure;
- The investigating agency has the opportunity to appear before the court and be heard on the issue of release or disclosure;
- The information gathered thus far by the investigative agency is necessary for the determination of an issue before the court;
- Waiting until the completion of the investigation will jeopardize the health or safety of the child in the custody case;
- A protective order is issued to prevent redisclosure of the information provided by the investigating agency, or the information is only released or disclosed to the court in camera; and
- Release or disclosure of the information will not compromise a criminal investigation.

Information on pending investigations may be released or disclosed in the Juvenile Division of the Circuit Court if the victim or offender has an open dependency-neglect or Family In Need of Services (FINS) case before the Juvenile Division of the Circuit Court in the following circumstances:

- A petition for dependency-neglect has been filed and the pending investigation is the basis in whole, or in part, for the petition of dependency neglect;
- The Department identifies the pending investigation in a court report that is provided to all of the parties before the hearing; or
- A party provides written notice of intent to request release or disclosure to all other parties in the matter and to the investigating agency at least five (5) days before the date for release or disclosure.

The Juvenile Division of the Circuit Court shall order release or disclosure only after;

- Providing all parties and the investigating agency, if not a party, the opportunity to appear before the court and be heard on the issue;
- Determining that the information gathered thus far by the investigative agency is necessary for the determination of an issue before the court;
- Determining that waiting until the completion of the investigation will jeopardize the health and safety of the child in the dependency-neglect, or family in need of services, case;
- Entering a protective order to prevent redisclosure of the information provided by the investigative agency, or limiting the release or disclosure of the information to only the court in camera; and
- Determining that releasing or disclosing the information will not compromise a criminal investigation.

Nothing in the law limits discovery by a party if a petition for dependency-neglect has been filed, but not yet adjudicated.

POLICY (II-E): COUNTY OFFICE ASSESSMENT OF CHILD MALTREATMENT REPORTS

The Arkansas State Police Crimes Against Children Division (CACD) has the responsibility to assess most Priority I allegations of child maltreatment. DCFS is responsible for ensuring the health and safety of the children even if the primary responsibility for the investigation belongs to CACD. DCFS will assess all situations of voluntary delivery of a child, as well as many Priority II and the following Priority I cases:

- Abandonment
- Failure to protect
- Medical neglect of disabled infants
- Failure to thrive
- Malnutrition
- Underaged Juvenile Aggressor
- Threat of Harm

During the investigation of an allegation of child maltreatment, and if the alleged offender is a family member, or lives in the home of the alleged victim, DCFS staff in the county office shall seek to ascertain the existence, cause, nature and extent of child maltreatment, the existence and extent of previous injuries, and the names and conditions of other children in the home. The assessment also seeks to ascertain the identity of the person responsible for the maltreatment, the relationship of the children with the parents or caretakers and their circumstances, the child's environment and all other pertinent data. The assessment shall begin within the time frame prescribed by law.

If the alleged offender is not a family member nor lives in the home of the alleged victim, the investigation shall seek to ascertain the existence, cause, nature and extent of child maltreatment, the identity of the person responsible for the maltreatment, and the existence and extent of previous maltreatment perpetrated by the alleged offender. If the report is determined to be true, the names and conditions of any minor children of the alleged offender, and whether these children have been maltreated, or are at risk of maltreatment, will be determined. If the report is determined to be true, and is a report of sexual intercourse, deviate sexual activity, or sexual contact, an assessment of any other children previously or currently under care of the alleged offender, to the extent practical, and whether these children have been maltreated, or are at risk of maltreatment, will be determined. The investigation shall also seek to ascertain all other pertinent and relevant data.

The Division will ensure reasonable efforts are made to preserve the family and to prevent the need to remove the child from the home; with the health and safety of the child being of paramount concern. Reasonable efforts to reunify the family shall not be required in all cases. See Policy VI-A for exceptions.

The Family Service Worker conducting the child maltreatment investigation shall have the right to enter into the home, school, or other place for the purpose of conducting an interview or completing the assessment. No publicly supported school, facility, or institution may deny access to any person conducting a child maltreatment investigation. The Department, CACD and law enforcement shall be allowed access to the child's public and private school records during the course of the child maltreatment investigation. The worker will have the discretion, in the child's best interest, to limit the persons allowed to be present when a child is being interviewed concerning an allegation of child maltreatment. The worker will determine when a child or any other children residing in the home should be referred to a physician, psychologist, or psychiatrist for a medical or psychological examination.

This fact-finding phase of the child maltreatment investigation allows the Family Service Worker to determine:

- If services are necessary to assist the family and allow the child to remain safely at home,
- If separation of the child from the family is necessary to protect the health and safety of the child, and
- Whether there is a preponderance of the evidence (see glossary) to support the report.

In cases where domestic abuse is involved (see glossary for definition of domestic abuse) any adult family/household member may file a petition for an order of protection on behalf of another family or household member, including a married minor. An employee or volunteer of a domestic violence shelter or program may file a petition on behalf of a minor, including a married minor. If a minor child's safety is a concern and the parent does not file an order of protection, the Family Service Worker should contact OCC to determine appropriate legal action. (One legal option is to petition the court for an order of less than custody.) The worker should thoroughly review the Health and Safety Assessment and the Risk Assessment and ensure that a safety plan is in place for a child before leaving a child in a home when an order for protection is filed.

An order of protection issued by a court of competent jurisdiction in any county of this state is enforceable in every county of this state by any court or law enforcement officer. An order of protection issued by a court of another state, federally recognized Indian tribe, or a territory shall be afforded full faith and credit by the courts of Arkansas and shall be enforced by law enforcement as if it were issued in Arkansas. DCFS will fully cooperate and participate in multi-disciplinary child maltreatment response teams. All information except the name of the reporter may be disclosed to the teams.

PROCEDURE (II-E1): County Office Response to the Child Abuse Hotline For Those Assessments That Remain The Responsibility Of The Department

The **County Supervisor** or designee will:

- Assign the report to a Family Service Worker(s) or a Unit Group who will conduct the assessment when a report is received in the CHRIS county in-box.
- Make entries on the “Inv. Notes” as the assessment is conducted.
- Consult with and advise the Family Service Worker as the assessment is conducted.

The **Family Service Worker** will:

- Begin Child Maltreatment Assessment immediately but no later than 24 hours after receipt of report by the Hotline, if severe maltreatment (**Priority I**) is indicated.
- Begin all other Child Maltreatment Assessments within 72 hours of the report (**Priority II reports**).
- Make immediate telephone notification to the Prosecuting Attorney and law enforcement on Priority I reports, unless the prosecuting attorney has provided written notice to the Department, that the Department need not send notification of the initial maltreatment report to the prosecuting attorney’s office.
- Consider the assessment initiated by interviewing or observing, when appropriate, the victim child outside the presence of the alleged offender. If the worker is unable to interview or examine the child, the assessment will be considered initiated after the Family Service Worker has made and documented all reasonable diligence to obtain an interview or examination.

Examples of reasonable diligence should include all of the following actions:

- Making an unannounced visit to the child’s home at least three times at different times of the day or on different days in an attempt to interview the child.
- Contacting the reporter again if the reporter is known, if attempts to locate the child have failed.
- Visiting the child’s school or day care or all other places where the child is said to be located.

- Sending a certified letter to the location given by the reporter, if attempts to locate the child have failed.
- Contacting appropriate local Division of County Operations staff and requesting research of the ACES and ANSWER systems and other files to ascertain another address, if attempts to locate the child have failed.

After all these efforts have been made, the worker shall submit the record to the supervisor for approval of reasonable diligence to locate and interview the child.

- Complete, print, and route the “Notice of Child Maltreatment Allegation” (CFS-310) to the Prosecuting Attorney and law enforcement, as appropriate, and the Attorney Ad-litem, parents and the alleged offender on Priority I and Priority II reports then document this action on the “Document Tracking” screen of CHRIS. If the alleged maltreatment concerns a foster child see Procedure VII-C1.
- Begin keying “Child Maltreatment Assessment” into the “Investigation” section of CHRIS.
- Send a confirmation letter, “Referral for Investigation” (CFS-321), to law enforcement when law enforcement accepts responsibility for investigating the report. Key “Document Tracking” screen in CHRIS.

PROCEDURE (II-E2): Child Maltreatment Report Assessment Interviews

The Family Service Worker will:

- Observe, if not age appropriate for interview, or interview all children outside the presence of the alleged offender or the offender’s attorney. (Exceptions must be approved by a supervisor. See NOTE below.)

NOTE: In conducting investigations where the offender is out of the home, it is not necessary to interview siblings of victims in these cases, unless they may have collateral information or have been within the access of the offender. Children residing in the home of the offender must be interviewed.

- Physically inspect children as appropriate.
- Complete “Physical Documentation--Body Diagram” (CFS-327a) when applicable.
- Photograph visible injuries; label and date photos.
- Interview the custodial and non-custodial parent of the victim child, and inform them of DCFS responsibility to assess.
- Exercise reasonable diligence in locating the non-custodial parent of the victim child. Examples of reasonable diligence include, but are not limited to, seeking information from relatives or using information from the victim child’s birth certificate to identify and locate the non-custodial parent.
- Document all efforts at reasonable diligence, if unable to locate the non-custodial parent to ensure completion of the investigation within 30 days.
- Conduct a separate interview with the victim.
- Give the family “Child Protective Services: A Caretaker’s Guide” (PUB-052) during the first contact and explain, as appropriate, to help the family understand its contents.
- Interview alleged offender. Give PUB-052 and discuss contents then document on the “Document Tracking” screen in CHRIS.

- Make a home visit to assess the environment where the child resides and determine the names and conditions of other children in the home.
- Check with collateral sources, as appropriate, including teachers, neighbors, witnesses and the person making the report.
- Contact the DHS attorney to petition the court for an ex parte order of investigation to allow access if the parents, caretakers, or others deny access to any place where the child may be.
- Coordinate the conducting of interviews when primary (where the child resides) and secondary counties are involved.
- Reinitiate the investigation in the second county within 24-72 hours, according to the Child Maltreatment Assessment Protocol (PUB-357) when an investigation is transferred from one county to another and the victim or any other children believed to reside in the home where the report originated have not been seen.

If any parties required to be interviewed (parents, children, victim child, or alleged perpetrator) cannot be located or is unable to communicate, the FSW will, after exercising reasonable diligence, document efforts to locate or communicate with required parties and proceed with the child maltreatment assessment.

The **Primary County Supervisor** will:

- Take the lead in coordinating the interview process when multiple counties are involved, and
- Ensure that counties communicate and complete the investigation within 30 days.

PROCEDURE (II-E5): Other Child Maltreatment Assessment Actions

The Family Service Worker will:

- Obtain X-rays, photographs, radiology procedures, medical records, other pertinent records, e.g., school records, or videos from mandated reporters.
- Ensure that all the information gathered during the investigation is contained within the DCFS file; whether or not the information supports the investigative determination.
- Make a child maltreatment investigative determination (true, unsubstantiated, exempted from finding or inactive) within thirty (30) days in conference with the supervisor. (See Procedure II-E6.)
- Key all screens in the “Investigate” section of CHRIS including screens listed under the “Interview” and “Client” sections. Skip screens only when the information for that screen is unavailable.
- Document the investigative determination on the “Investigation Findings” screen in CHRIS. Individual findings for each victim are also documented on the “Investigation Finding” screen. CHRIS will automatically populate the Overall Finding (true, unsubstantiated, exempted from finding due to religious exemption or exempted from finding underaged juvenile aggressor) based on the individual findings.
- Document any additional information deemed necessary pertaining to the investigation on the “Investigation Closure” screen, and request supervisory approval of the determination. The request for approval will automatically go to the worker’s supervisor’s box for approval.
- Complete and print “Report to Prosecuting Attorney” (CFS-6003) within thirty (30) days of the initial report of severe maltreatment (Priority I reports) and send to Prosecuting Attorney and law enforcement.
- Open a Protective Services case on all true reports of sexual abuse or exploitation unless a written exception is approved by the Area Manager.
- Open an appropriate service case or make referrals for all other true reports and for unsubstantiated reports if the family needs and agrees to services.
- Release all information as requested on true reports, except the name of the reporter, to multi-disciplinary teams.
- When the subject of a report appeals the determination, refer to Policy IX-A for procedures to follow.

The Family Service Worker Supervisor will:

- Review the investigative determination and other pertinent screens in CHRIS.
- Approve the investigation closure on the “Investigation Closure” screen.

PROCEDURE (II-E6): Child Maltreatment Investigative Determination

A Child Maltreatment Investigation will be determined to be true, unsubstantiated, exempted from finding due to religious exemption, exempted from finding underaged juvenile aggressor, or inactive based on the criteria in the “Child Maltreatment Assessment Protocol” (PUB-357).

A Child Maltreatment Investigation will be determined **TRUE** in the event of:

- An admission of the fact of maltreatment by persons responsible;
- An adjudication of dependency-neglect;
- A determination of the existence of maltreatment by Division staff, based on a preponderance of the evidence;
- A medical diagnosis of failure to thrive. The Family Service Worker should, however, complete the Child Maltreatment Investigation in accordance with the procedures included to determine the identity of the caretaker and to conduct an assessment of the family for the purposes of determining appropriate service delivery;
- Any other medical or legal form of confirmation deemed valid by the Division.

A Child Maltreatment Investigation will be determined **UNSUBSTANTIATED** in the event that:

- The allegation of child maltreatment is not supported by a preponderance of the evidence following an assessment by Division staff.
- The assessment concludes the injuries were the result of reasonable and moderate physical discipline inflicted by a parent or guardian for the purpose of restraining or correcting the child.

A Child Maltreatment Investigation will be determined to be **EXEMPTED FROM FINDING DUE TO RELIGIOUS EXEMPTION** in the event that:

- The Family Service Worker determines that the parent’s decision to withhold medical treatment was based solely upon a religious belief, choosing instead to furnish the child with prayer and spiritual treatment in accordance with a recognized religious method of healing by an accredited practitioner.

NOTE: A Family Service Worker will take a child, who is in immediate danger of severe maltreatment, into DHS custody regardless of the beliefs of the parent(s). The religious exemption does not preclude the Family Service Worker’s right and responsibility to take appropriate action, including petitions to the court, to obtain necessary medical services.

A Child Maltreatment Investigation will have an individual finding of **EXEMPTED FROM FINDING (UNDERAGED JUVENILE AGGRESSOR)** if there is an overall true finding of sexual abuse by a child under the age of ten (10) to another child.

- Select the “Alleged Juvenile Aggressor–Under Age Ten” in the Role in Referral Select box on the Abuse/Neglect Screen in Referral or Investigation in CHRIS.
- Select “Exempted From Finding (Underaged Juvenile Aggressor)” as the individual finding in the Investigation Findings screen in CHRIS.
- When “Exempted From Finding (Underaged Juvenile Aggressor)” appears in the individual finding, the overall finding for the investigation will be True.

Regardless of whether the child maltreatment investigation is conducted by DCFS, CACD or local law enforcement, the investigative determination shall be made within thirty (30) days.

A Child Maltreatment Investigation will be determined **INACTIVE** in the event that the investigation cannot be completed. A case may go into an inactive status if a family was located initially but later moved and may be located later; or, the investigation was started but enough information was not gathered to finish it, etc. Failure to complete the investigation within the required 30 days is NOT a reason to place a case on inactive status. The report MUST document why the investigation could not be completed. A case will remain on inactive status for one (1) year, at which time it will be expunged

PROCEDURE (II-E8): Follow-up with Mandated and Other Reporters

The Family Service Worker will:

- Complete, print and route “Follow-up with Child Maltreatment Reporter” (CFS-307) within ten (10) working days of determination.
- Complete, print and route “Child Maltreatment Determination Notification” (CFS-312A or B) within ten (10) working days after supervisor signs off on the “Report to Prosecuting Attorney” (CFS-6003). Send separate copies to the following people:
 - The alleged offender.
 - The victim child’s custodial/non-custodial parent(s).
 - The victim child if age ten (10) years or older.
 - If the offender is a juvenile, the juvenile offender’s parent(s).
 - If the juvenile offender is in foster care, the juvenile offender’s Attorney Ad Litem.
 - The Public Defender, if one is appointed.
 - The Juvenile Division of the Circuit Court if there is a true finding of sexual abuse perpetrated by a child under the jurisdiction of the court.
 - Any appropriate licensing or registering authority.
 - If the allegation is true, ensure the CFS-312A or B is delivered by either a process server or certified mail with restricted delivery. This applies to each separate recipient.
- Provide information to the following individuals regarding the investigative determination and the services that were offered or provided via the (CFS-307):
 - The mandated reporter who provided the initial report of suspected child abuse.
 - The school counselor where the maltreated child attends school.
 - The people and agencies that provide services, upon their request.
- Complete, print and route “Notice to Local Education Agency (LEA) of Child Maltreatment” (CFS-311) if the determination is true on a school-aged child. Do not send the CFS-311 to the LEA on underaged juvenile aggressors exempted from a true finding. The notice to the school on all true reports of child maltreatment shall identify the name and relationship of the offender to the victim. DHS shall also provide the local school counselor a report indicating all true reports on juveniles aged ten (10) or older named as offenders, and the services offered or provided by the Department to the juvenile. Information provided to LEA, on a true report, shall be treated as confidential and included as part of the child’s permanent educational record. The information shall be treated in the same manner as educational records are treated under the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g.
- If the investigative determination is true and the victim or offender is in foster care, notification (via the CFS-312 A or B) of the determination shall be provided to:
 - The Juvenile Division of the Circuit Court judge;
 - The Juvenile Division court-appointed attorneys ad litem of the victim and offender;
 - Court Appointed Special Advocates if appointed in an open dependency-neglect case; and
 - The custodial/non-custodial parent(s) of the victim or offender who is in foster care.

PROCEDURE (II-E10): Protective Custody of Child in Immediate Danger

The Family Service Worker will:

- Take the child into Protective Custody for up to 72 hours if the circumstances of the child present an immediate danger of severe maltreatment. The child's health and safety will be of paramount concern.

A 72 hour hold can be exercised on any child who is dependent as defined by the Arkansas Juvenile Code of 1989, § 9-27-301 et. Seq. (See Glossary for definition of "Dependent".)

In cases where domestic abuse is involved (see glossary for definition of Domestic Abuse) any adult family/household member may file a petition for an order of protection on behalf of another family or household member, including a married minor. If a minor child's safety is a concern and the parent does not file an order of protection, the Family Service Worker should contact OCC to determine appropriate legal action. (One legal option is to petition the court for an order of less than custody.) The worker should thoroughly review the Health and Safety Assessment and Risk Assessment and ensure that a safety plan is in place for a child before leaving a child in a home when an order for protection is filed.

An order of protection issued by a court of competent jurisdiction in any county of this state is enforceable in every county of this state by any court or law enforcement officer. An order of protection issued by a court of another state, federally recognized Indian tribe, or a territory shall be afforded full faith and credit by the courts of Arkansas and shall be enforced by law enforcement as if it were issued in Arkansas.

- Notify the OCC attorney immediately that Protective Custody was exercised and request an ex parte emergency order from the court.
- Make a determination whether to recommend to the court that reunification services should not be provided to reunite the child with his family (see Policy VI-A). If the court determines that reunification services shall not be provided, a permanency planning hearing will be held within thirty (30) days after the determination. It is not required that a permanency planning hearing be held as a prerequisite to the filing of a petition to terminate parental rights, or as a prerequisite to the court considering a petition to terminate parental rights.
- Determine whether the grandparents have the right to notice and an opportunity to be heard. In a child custody or dependency-neglect case, grandparents have this right if all the following conditions are present:
 - The grandchild resided with the grandparent for at least 6 consecutive months prior to the child's first birthday or lived with the grandparent for at least one continuous year regardless of age;
 - The grandparent was the primary financial caregiver during the time the child resided with the grandparent; and
 - The continuous custody occurred within one year of the initiation of the custody proceeding.

Note: "Grandparent" does not mean a parent of a putative father of a child for the purpose of this determination.

- Provide the OCC attorney with the name and address of any grandparent who is entitled to notice based on the above conditions.
- Prepare an affidavit immediately and give it to the OCC attorney.

- Have the child thoroughly examined by a physician within 24 hours of removal. The Family Service Worker may consent for medical and dental services during Protective Custody.
- Place the child in an appropriate licensed or approved placement. If the most appropriate placement is with a relative, the placement must meet the standards for approval of a foster home. (See "Standards for Approval of Family Foster Homes"[PUB-022]). The children, if age appropriate, should also be interviewed about the placement. Until the relative has been approved as a Kinship Foster Care Home, the child must remain in a licensed/approved foster home or residential care facility. The kinship foster parent (See Glossary for definition of " Kinship Foster Parent") agrees to provide 24 hours per day care for the children who are related to them. Non-relative placements, other than approved foster homes or residential care facilities, are not permissible until opened as a regular approved foster home or unless the court gives custody after a written home evaluation is completed. (See Procedure VI-A1 "Out-of-Home Placement Criteria" and Policy VII-A "Foster Parent Training, Approval and Re-evaluation.")
- Notify the Intake Officer of the Juvenile Division of Circuit Court.
- Complete and route "Protective Custody/Parental Notification" (CFS-323).
- Open an Out-of-Home Placement case.
- Return the child to the legal custodian if the emergency necessitating Protective Custody passes or if the judge does not grant custody to the Department. Protective Custody cannot be extended. Complete the "Expiration of Protective Custody/Parental Notification" (CFS-336) and provide to the parent. If the parent refuses to accept custody of the child, an emergency petition should be filed.
- Notify the OCC attorney immediately if the child returns home.
- Close the Out-of-Home Placement case.
- Determine whether to open a non-court involved Protective Services case or initiate a petition for dependency/neglect.

All hearings involving allegations and reports of child maltreatment, and all hearings involving cases of children in Out-of-Home placements shall be closed.

PROCEDURE (II-E11): Crimes Against Children Division (CACD) Investigations of Child Maltreatment Reports

The Arkansas State Police Crimes Against Children Division will conduct Child Maltreatment Investigations for the following:

- Any placement managed, approved or licensed by DHS for the care of children including:
 - Day care homes,
 - DHS foster homes,
 - Residential facilities, and
 - Pre-Adoptive homes.
- Allegations of maltreatment involving DHS employees
- Allegations of child maltreatment in school settings
- Allegations of child maltreatment in placement resources

NOTE: In accordance with Act 758 of 2003, on request by the investigating agency, any school, day care center, child care facility, residential facility, residential treatment facility, or similar institution shall provide the investigator with the name, date of birth, social security number, and last known address and phone number of any alleged offender if the alleged maltreatment occurred at that school, center, or facility.

NOTE: In conducting investigations where the offender is out of the home, it is not necessary to interview siblings of victims in these cases, unless they may have collateral information or have been within the access of the offender. Children residing in the home of the offender must be interviewed.

- Child maltreatment allegations on the following Priority I reports:
 - Abuse with a deadly weapon,
 - Bone fractures,
 - Brain damage/skull fracture,
 - Burns, scalding,
 - Cuts/bruises/welts if the victim is under age three (3) and the report comes from the medical community or law enforcement,
 - Death,
 - Failure to protect, only if it is the initial investigation of a new allegation that the offender failed to protect the child from sexual abuse,
 - Immersion/suffocation,
 - Indecent exposure,
 - Permitting, encouraging, or forcing a child to watch pornography or live sexual performances,
 - Internal injuries,
 - Oral sex,
 - Poison/ noxious substances,
 - Sexual contact,
 - Sexual exploitation,
 - Sexual penetration, and
 - Subdural Hematoma.

The Crimes Against Children Division will complete the Health and Safety Assessment (CFS-6025) in accordance with Procedure II-E3. The agreement between DHS and the Arkansas State Police requires that the Crimes Against Children Division (CACD) must comply with all applicable state and federal laws.

POLICY (II-F): MEDICAL NEGLECT OF A DISABLED INFANT

The Division of Children and Family Services shall maintain sufficient contact with health care facilities to facilitate communication between those facilities and the Division in order to enable the health care facilities to report suspected medical neglect of a disabled infant.

PROCEDURE (II-F1): Medical Neglect of a Disabled Infant

The Family Service Worker will:

- Make telephone inquiry to the health care facility immediately upon receipt of an allegation of suspected medical neglect of a disabled infant to determine if:
 - the infant has a life threatening condition,
 - the parents have refused to consent to treatment,
 - the treating physician recommended treatment, and
 - the facility's infant care review committee has analyzed the child's health and family circumstances.
- Contact the Child Protective Services Field Assistance Unit immediately to arrange an assessment by the contracted physician.
- Contact OCC if a parent will not sign a release to allow DCFS to examine medical records or obtain an independent medical examination of the infant.

POLICY (II-G) RETENTION OF ASSESSMENT FILES

Central Registry will indefinitely retain all child maltreatment assessment files (true and unsubstantiated) included in the automated data system. DCFS county offices and the Crimes Against Children Division are to retain a hard copy of all true child maltreatment reports. The Department is permitted to keep information on unsubstantiated reports in its automated casework files for the purpose of ascertaining future risk and safety. Hard copy records of unsubstantiated reports are not part of Central Registry. They will be destroyed by the investigating agency at the end of the month in which the determination is made.

Information from unsubstantiated reports may not be disseminated outside of the Department, except for release to the prosecutor, to a subject of a report or to the court if the information in the record is necessary for a determination of an issue before the court. Screened out reports of child maltreatment will be treated as if they are unsubstantiated and will not be released to anyone external to DCFS.

POLICY(II-I): FAMILY IN NEED OF SERVICES (FINS)

A.C.A. §9-27-303 defines “Family In Need of Services” (FINS) as any family whose juvenile evidences behavior which includes, but is not limited to, the following:

- Being habitually and without justification absent from school while subject to compulsory school attendance;
- Being habitually disobedient to the reasonable and lawful commands of his parent, guardian, or custodian; or
- Having absented himself from the juvenile’s home without sufficient cause, permission, or justification.

Family services are provided in order to:

- Prevent a juvenile from being removed from a parent, guardian, or custodian;
- Reunite the juvenile with the parent, guardian, or custodian from whom the juvenile has been removed; or
- Implement a permanent plan or adoption, guardianship, or rehabilitation of the juvenile.

Family Services Provided to a Juvenile or the Family

Services should be designed to address the issues that resulted in the FINS case and may include, but are not limited to:

- Child Care
- Homemaker services
- Crisis counseling
- Cash assistance
- Transportation
- Family therapy
- Physical, psychiatric, or psychological evaluation
- Counseling
- Treatment

Disposition-Family in Need of Services

If a family is found to be in need of services, the circuit court may enter an order making one of the following dispositions:

(1) Order family services:

- To rehabilitate the juvenile and his or her family. If the Department of Human Services is the provider for family services, the family services shall be limited to those services available by the Department’s community-based providers or contractors, excluding the contractors with the Division of Children and Family Services of the Department of Human Services, and Department services for which the family applies and is determined eligible; and
- To prevent removal when the Department is the provider for family services, the court shall make written findings outlining how each service is intended to prevent removal.

(2) If it is in the best interest of the juvenile and because of acts or omissions by the parent, guardian or custodian, removal is necessary to protect the juvenile’s health and safety, transfer custody to the Department. (This action may serve to reduce the number of foster care entries based solely of juveniles who are truant when acts or omissions of their parents is not a factor.)

At least five (5) working days prior to ordering DHS, excluding community-based providers, to provide or pay for family services, the court shall fax a written notice of intent to the Director of the Department of Human Services and to the attorney of the local Office of Chief Counsel of the Department of Human Services.

The court shall not specify a particular provider for placement or family services, when DHS is the payor or provider. In all cases in which family services are ordered, the court shall determine the parent's, guardian's, or custodian's ability to pay, in whole or in part, for these services. This determination and the evidence supporting it shall be made in writing in the court order ordering family services. If the court determines that the parent, guardian, or custodian is able to pay, in whole or part, for the services, the court shall enter a written order setting forth the amounts the parent, guardian, or custodian can pay for the family services ordered and ordering the parent, guardian, or custodian to pay the amount periodically to the provider from whom family services are received.

DCFS can **ONLY** be ordered to provide family services in a FINS case when the court finds that services are needed to prevent removal of the child from the home because of child maltreatment. The juvenile code grants the court the power to order family services without specifying the type of service, i.e., protective services or supportive services. The court will issue an order for family services, and DCFS is to provide those services. If there is not a finding of child maltreatment on the family, and the court determines that the family needs preventative services due to a risk of child maltreatment, open a supportive services case. If there is a true finding of child maltreatment open a protective services case.

Removal of Juvenile

Before a juvenile court may order any dependent-neglected juvenile or FINS juvenile removed from the custody of his or her parent, guardian, or custodian and placed with the Department of Human Services or other licensed agency responsible for the care of juveniles or with a relative or other individual, the court shall order family services appropriate to prevent removal, unless the health and safety of the juvenile warrant immediate removal for the protection of the juvenile.

When the court orders a dependent-neglected or FINS juvenile removed from the custody of a parent, guardian, or custodian and placed in the custody of the Department or other licensed agency responsible for the care of juveniles or with a relative or other individual, the court shall make these specific findings in the order:

In the initial order of removal, the court must find:

- Whether it is contrary to the welfare of the juvenile to remain at home;
- Whether the removal of the juvenile is necessary to protect the health and safety of the juvenile, and the reasons for the removal; and
- Whether the removal is in the best interest of the juvenile.

Within sixty (60) days of removal, the court must find:

- Which family services were made available to the family before the removal of the juvenile;
- What efforts were made to provide those family services relevant to the needs of the family before the removal of the juvenile, taking into consideration whether or not the juvenile could safely remain at home while family services were provided;
- Why efforts made to provide the family services described did not prevent the removal of the juvenile; and
- Whether efforts made to prevent the removal of the juvenile were reasonable, based upon the needs of the family and the juvenile.

Where the state agency's first contact with the family has occurred during an emergency in which the juvenile could not safely remain at home, even with reasonable services being provided, DCFS shall be deemed to have made reasonable efforts to prevent or eliminate the need for removal.

Where the court finds the Department's preventive or reunification efforts have not been reasonable, but further preventive or reunification efforts could not permit the juvenile to remain safely at home, the court may authorize or continue the removal of the juvenile but shall note the failure by the Department in the record of the case.

In all instances of removal of a juvenile from the home of his parent, guardian, or custodian by a court, the court shall set forth in a written order:

-
- The evidence supporting the decision to remove;
- The facts regarding the need for removal; and
- The findings as mentioned above.

The written findings and order shall be filed by the court or by a party or party's attorney as designated by the court within thirty (30) days of the date of the hearing at which removal is ordered or prior to the next hearing, whichever is sooner.

The court may provide that any violation of its orders shall subject the parent, both parents, the juvenile, custodian or guardian to contempt sanctions.

Custody of a juvenile shall not be transferred to the Department when a delinquency petition or case is converted to a FINS petition or case.

PROCEDURE (II-I-1): Family in Need of Services

The Family Services Worker will:

- Be assigned to a FINS case by the County Supervisor. OCC will fax the County Supervisor the written notice of intent from the court. The court must fax written notice of intent five (5) working days prior to ordering the Department of Human Services, excluding community-based providers, to provide or pay for family services.
- Determine the appropriate case that should be opened to provide services.
- Open the appropriate case for service (see Policy III-A Services Case Opening and Re-evaluation).
- Make a request for OCC to file a 20-day petition if the family is resistant.

PROCEDURE (III-A4): Out-Of-Home Placement Outside the Initiating County

The Family Service Worker (FSW) Supervisor from the initiating (primary) county office will:

- Notify (telephone, fax, or email) the FSW Supervisor in the resident county office prior to moving the child(ren).
- Within 24 hours following the above notification, assign the resident county as secondary on the Assign/Transfer screen in CHRIS.

The Family Service Worker in the initiating (primary) county will:

- Continue providing casework services to the custodial/non-custodial parent(s) as determined by the case plan.
- Maintain a case file including such non-CHRIS (hard copy) items as legal and medical documents.
- Provide the resident county FSW a copy of the case file with non-CHRIS items.
- Key data (e.g., case plan changes) into the CHRIS file as appropriate.
- Develop and process any needed purchase orders (DHS-1914) for the child.
- Request Medicaid determinations/re-evaluations by the DCFS Eligibility Unit and submit needed documentation.
- Develop the initial case plan and subsequent changes as per Policy IV-A.
- Arrange staffings as needed and maintain a current case plan.
- Ensure provision of services to facilitate reunification or other permanency arrangements as appropriate.
- Arrange and help provide transportation for parent/child visits.
- Notify the resident county FSW immediately of any changes in plans for care of the child.

The Family Services Worker (secondary) in the resident county will:

- Participate in staffings and case plan development.
- Assist the foster home or facility on implementing case plan goals.
- Keep the initiating county FSW informed of all progress, problems and child experiences.
- Obtain a progress report from facility staff every month following a child's placement in a facility and forward a copy to the initiating county FSW.

Note: The court may order progress reports from the service provider whenever a child is placed out of home and in a setting other than a Department foster home. The order shall set forth the schedule for the progress reports and shall identify the service provider responsible for submitting the progress report. The service provider shall be provided a copy of the written court order by certified mail, restricted delivery or by process server.

Failure to follow the order of the court shall subject the service provider to contempt sanctions of the court.

The progress report shall include, but is not limited to:

- Reason for admission;
- Projected length of stay;
- Identified goals and objectives to be addressed during placement;
- Progress of the child in meeting goals and objectives;
- Barriers to progress;
- Significant behavioral disruptions and response of provider; and
- Recommendations upon the child's release.

The service provider shall immediately report any incidents concerning the juvenile's health or safety to the child's attorney or Attorney Ad Litem and the custodian of the child.

- Notify the initiating county FSW immediately of any change in the plans for care of the child.
- Notify the initiating county by telephone within 24 hours, and make all other necessary notifications (e.g., foster parents) if an emergency change in placement is necessary.
- Make regular foster home/facility visits to the child/children as per the case plan.
- Assist the initiating county in arranging for the parent/child/sibling visits.
- Complete any necessary incident reports (e.g., disruption) and provide the initiating county a copy.

PROCEDURE (V-E3): Service Provision

If IFS is appropriate:

The County Supervisor will:

- Add IFS to the Service Log.
- Delete IFS from the Service Log after termination of IFS.

The IFS Practitioner will:

- Provide services in accordance with the IFS Program Description.
- Provide services on a frequent, often daily, basis within the family's home.
- Be available to the family 24 hours a day, 7 days a week by beeper or telephone.
- Provide services at times convenient to the family.
- Provide services to only 2 to 4 families at a time.
- Provide a mixture of counseling and support services, as appropriate to the family's needs.
- Provide IFS for a maximum of 6 to 12 weeks, as appropriate to the family's needs.
- Devote 75% of work time to direct contact with the family.
- Document the services provided to the family. Documentation includes:
 - A completed "Intensive Family Services Referral Form" (CFS-345) and assessment of the family within 72 hours of receipt of the referral from the County Supervisor;
 - A completed individualized Family Action Plan within 2 weeks of initiation of IFS;
 - Dated narratives on the types of services provided and the family's progress;
 - Completed "IFS Family Counselor's Time Record" (CFS-347);
 - A Transition Plan describing the family's continued needs after IFS and the linkages established to meet those needs 2 weeks prior to the termination of IFS;
 - A final report on the family's progress and continued needs within one week of termination of IFS;
 - Any additional reports requested by the Division.
- Provide follow-up services once a month for three months after termination of IFS, and again at six months after termination of IFS; provide brief reports to the County Supervisor on the status of the family.
- Maintain confidentiality in accordance with the "Arkansas Child Maltreatment Act" (Ark. Code Ann. 12-12-501 et. seq.), and the specific privileged communications standard, i.e., the health and safety of the child shall be paramount. Any privileged communications between husband and wife or between any professional person, except lawyer/client and between a minister, including a Christian Science Practitioner, and any person confessing to or being counseled by a minister, shall not constitute grounds for excluding evidence at any proceeding regarding child abuse, sexual abuse, or neglect of a child.

No privilege, or contract, shall prevent anyone from reporting child maltreatment when the person is a mandated reporter. (See Glossary.)

No privilege shall prevent anyone, except between a client and his lawyer or minister or Christian Scientist Practitioner, from testifying concerning child maltreatment.

VI. SERVICES TO REUNIFY FAMILIES

POLICY (VI-A): OUT-OF-HOME PLACEMENT CRITERIA

The state of Arkansas is not a voluntary placement state. The removal of a child from his home must occur pursuant to a judicial order placing custody of the child with the Department. When a child is in the custody of the Department of Human Services, DCFS shall ensure that the out-of-home placement is in the best interest of the child, is the least restrictive possible and is matched to the child's physical and therapeutic needs. A child of a parent who is under the age of eighteen (18) years, and is in DHS custody, is also considered a dependent juvenile and is eligible to receive foster care maintenance payments and is deemed to be a recipient of aid to families with dependent children. Titles XIX and XX services will be available to the child in the state in which the child resides. No child shall be placed in the home of a foster parent where a records check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children (including child pornography), or a crime involving violence, including rape, sexual assault or homicide. No child shall be placed in the home of a foster parent if the record check reveals a criminal conviction for physical assault, battery, or a drug related offense, if the offense was committed within the past five years. The placement decision shall be based on an individual assessment of the child's needs. All efforts to place a child within Arkansas shall be thoroughly explored and documented before consideration is given to out-of-state placement. Relatives shall be considered for placement first.

After the Department removes the child or the court grants custody of the child to the Department, the child shall be placed in a licensed or approved foster home, shelter, or facility, or an exempt child welfare agency as defined at A.C.A. § 9-28-402. The court shall not specify a particular provider for placement of any foster child.

The court shall not specify a particular provider for placement or family services, when DHS is the payor or provider. In all cases in which family services are ordered, the court shall determine the parent's, guardian's, or custodian's ability to pay, in whole or in part, for these services. This determination and the evidence supporting it shall be made in writing in the court order ordering family services. If the court determines that the parent, guardian, or custodian is able to pay, in whole or part, for the services, the court shall enter a written order setting forth the amounts the parent, guardian, or custodian can pay for the family services ordered and ordering the parent, guardian, or custodian to pay the amount periodically to the provider from whom family services are received.

When it is in the best interest of each of the children, the Department shall attempt to place siblings together while they are in a foster care and adoptive placement. When it is in the best interest of each of the children, the Department shall attempt to place together infants with minor mothers who are in foster care. Relatives of children placed in the custody of the Department shall be given preferential consideration for placement, if the relative caregiver meets all relevant child protection standards and it is in the child's best interest to be placed with the relative caregiver.

Placement or custody of a child in the home of a relative shall not relieve the Department of its responsibility to actively implement the goal of the case. See Policy VI-J (Out-of-Home Non-DHS Custody/Relative Placements).

If the relative meets all relevant child protection standards and it is in the child's best interest to be placed with the relative caregiver, the worker shall discuss with the relative the following two (2) options for placement of the child in the relative's home:

- (1) The relative becoming a DHS relative foster home; or
- (2) The relative obtaining legal custody of the child.

The child shall remain in a licensed or approved foster home, shelter, or facility, or an exempt child welfare agency as defined at A.C.A. § 9-28-402(12), until the relative's home is opened as a regular foster home or the court grants custody of the child to the relative after a written approved home study is presented to the court.

If the court grants custody of the child to the relative:

- (A) The child shall not be placed back in the custody of the Department while remaining in the home of the relative;
- (B) The relative shall not receive any financial assistance, including board payments, from the Department, except for financial assistance for which the relative has applied and for which the relative qualifies pursuant to the program guidelines, such as the Transitional Employment Assistance Program, Food Stamps, Medicaid, and federal adoption subsidy; and
- (C) The Department shall not be ordered to pay the equivalent of board payments or adoption subsidies to the relative as reasonable efforts to prevent removal of custody from the relative.

Children who are in the custody of the Department shall be allowed trial placements with parents, for a period not to exceed thirty (30) days. At the end of the thirty (30) days, the court shall either place custody of the child with the parent or the Department shall return the child to a licensed or approved foster home, shelter, or facility, or an exempt child welfare agency as defined in A.C.A. § 9-28-402.

When a child leaves the custody of the Department and the court grants custody to the parent or another person, the Department is no longer legal custodian of the child, even if the Juvenile Division of Circuit Court retains jurisdiction.

Placement shall be chosen:

- To ensure the health and safety of a child;
- To ensure that caretakers have the skills and training sufficient to deal with the child's special needs and any disabling condition; and
- To keep the child in close proximity to the family, if possible, to maintain enrollment in the school the child attended before placement.

The Department shall make reasonable efforts to:

- Maintain the family unit and prevent the unnecessary removal of a child from his home, as long as the child's safety is assured;
- Effect the safe reunification of the child and family (if temporary out-of-home placement is necessary to ensure immediate safety of the child); and
- Make and finalize alternate permanency plans in a timely manner when reunification is not appropriate or possible. In determining reasonable efforts to be made with respect to a child and in making such reasonable efforts, the child's health and safety is of paramount concern.

Within 30 days of a child being placed in DHS custody, the Division will provide the parents with literature, verbal information, and referrals to programs for parenting, child abuse, substance abuse, sexual abuse and family planning.

After a child is placed out of the home, reasonable efforts will be made to reunify a family, to make it possible for the child to safely return home. A judicial determination pertaining to reasonable efforts to prevent removal must have been made within 60 days of the child's removal from the home, otherwise the child will not be eligible for Title IV-E foster care maintenance payments for the duration of his stay in foster care. Reasonable efforts to finalize an alternate permanency plan (i.e., place a child for adoption or with a legal guardian or permanent custodian) may be made concurrently with reasonable efforts to reunify a child with his family. Reasonable efforts shall also be made to obtain permanency for a child who has been in an out-of-home placement for more than twelve (12) months, or for fifteen (15) of the previous twenty-two (22) months.

Reasonable efforts to reunite a child with his parent(s) shall not be required in all cases. The court shall conduct and complete a hearing on a "no reunification services" request within fifty (50) days of the date of written notice to the defendants. However, upon good cause shown, the hearing may be continued for an additional twenty (20) days, and the court shall enter an order determining whether or not reunification services shall be provided. Reunification shall not be required if a court of competent jurisdiction, including the Juvenile Division of Circuit Court, has determined that the parent has:

- (1) Subjected the child to aggravated circumstances; (See Glossary for the definition of aggravated circumstances.)

- (2) Committed murder (which would have been an offense under section 1111(a) of Title 18, USC, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of any child;
- (3) Committed voluntary manslaughter (which would have been an offense under section 1112(a) of Title 18, USC, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of any child;
- (4) Aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter;
- (5) Committed a felony, battery, or assault that results in serious bodily injury to any child; or
- (6) Had the parental rights involuntarily terminated as to a sibling of the child; or
- (7) Abandoned an infant (not the same as "Voluntary Delivery of an Infant", see Procedure VIII- E2).

If reasonable efforts to reunify are determined by a court to be unnecessary, a permanency hearing must be held within 30 days after the court's determination. If the court determines no reunification services will be provided due to aggravating circumstances or upon recommendation from the Division or Attorney Ad Litem at adjudication, the Family Service Worker will have case management responsibility until the child is placed in an adoptive home.

If the court recommends that reunification services should not be provided to reunite a child with his family, DHS, the Attorney Ad Litem or the court shall provide written notice to the defendants. When DHS is the agency requesting that no reunification services be provided, it will send the written notice to the defendants in coordination with OCC. The notice shall be provided to the parties at least fourteen (14) calendar days before the no-reunification hearing, and the notice shall identify in sufficient detail to put the family on notice, the grounds for recommending "no reunification services".

The burden of presenting the case shall be on the requesting party. The court shall conduct and complete a hearing on a "no reunification services" request within fifty (50) days of the date of written notice to the defendants. However, upon good cause shown, the hearing may be continued for an additional twenty (20) days.

PROCEDURE (VI-A1): Out-of-Home Placement Criteria

The Family Service Worker will:

- Consider placement with appropriate relatives in a Kinship Foster Home. (See Policy VII-A.)
- If the relative meets all relevant child protection standards, and it is in the child's best interest to be placed with the relative caregiver, discuss with the relative the following two (2) options for placement of the child in the relative's home:
 - (1) The relative becoming a DHS relative foster home; or
 - (2) The relative obtaining legal custody of the child. (See Policy VI-J {Out-of-Home Non-DHS Custody/Relative Placements}.)
- Complete the CFS-452 (Relative Placement Kinship Care/Relative Foster Care Verification) stating that the family does/does not want to become a relative foster home.
- Select the Out-of-Home Placement that best fits the needs of the child. A child who has been identified as EXEMPTED FROM FINDING UNDER AGE JUVENILE AGGRESSOR OR SEXUAL OFFENDER must not be placed in a foster home with other children, unless the child's therapist feels that the child is no longer a danger to other children. Proper documentation of this will be contained in the child's hard copy file. If the recommended placement is a facility, the facility must receive information regarding the allegations. This must be documented in the Recommend Placement screen.
- Document placement selection on the "Case Plan" (CFS-6010) by keying the "Plan Goals" and the "Needs/Svc" screens in the "Treatment" portion of the "Case Plan" section of CHRIS.
- Arrange at least one (1) pre-placement visit for the child before the initial placement and before any subsequent changes in placement if possible and appropriate. Contact the OCC Attorney immediately if child is being moved from one Out-of-Home Placement to another. See Procedure VII-D1.
- Contact the OCC Attorney immediately if there is any indication that the child is a member of an Indian tribe.

POLICY (VI-B): MAINTAINING FAMILY TIES IN OUT-OF-HOME PLACEMENT

Families and children shall have reasonable opportunities for personal visits, communication by telephone, and involvement in life events such as teacher conferences, school and community events. A plan for visitation shall be developed between a child in out-of-home placement and the family and siblings, whether or not the siblings are in out-of-home placement. The preferred location for the visits is the parent's home or, if that is not possible, in the most homelike setting possible. Office visits are a last resort.

Siblings shall live together in the same foster home. When it is in the best interest of each of the children, the Department shall attempt to place siblings together while they are in a foster care and adoptive placement. Siblings may be placed separately only upon a written determination by the Administrator designated by the Director that placement of the siblings together would be detrimental to their best interests or is otherwise not possible at the time of initial placement. The Division shall ensure that the reasons for the separation of siblings, or infants with minor mothers, into different foster homes are regularly reassessed and targeted recruitment efforts continue to reunite the siblings.

Children in DHS custody shall have an opportunity to visit with grandparents, or great grandparents, provided the grandparents, or great grandparents, have been granted visitation rights by the courts.

If it is in the child's best interest, visits between siblings and with relatives may continue after Termination of Parental Rights (TPR), if visitation was established prior to TPR. Visitation after TPR will continue until an adoption placement is made or the Out-of-Home placement case is closed.

PROCEDURE (VI-B1): Maintaining Family Ties in Out-of-Home Placement

The Family Service Worker will:

- Develop a plan for visitation within five (5) working days of placement.
- Arrange for parental visits to occur no less than weekly with the frequency increasing, as the family is prepared for reunification.
- Obtain approval from the County Supervisor for any deviations from required frequency of visitation.
- Request that deviations due to staff shortages be approved by the Area Manager.
- Place siblings together in the same foster home. Place infants with minor mothers in the same foster home. Separate siblings, or infants with minor mothers, by placement only upon written determination by a Mental Health Professional that placement of the siblings together would be detrimental to their best interest or is otherwise not possible at the time of initial placement.
- Arrange for sibling visitation to occur no less than every two weeks, when siblings are placed separately.
- Document efforts to reunify siblings, or infants with minor mothers, placed separately.
- Arrange visitation between the child and grandparent or great grandparent. Visitation between the child and grandparent, or great grandparent, must conform to the visitation requirements stated in the court order granting the grandparent, or great grandparent, visitation rights.
- Document sibling and relative visits that occur after TPR in CHRIS contacts screen.

The Director's designated Administrator will:

- Receive requests to place siblings, or infants with minor mothers separately.
- Approve/disapprove requests.

POLICY (VI-F): CASE REVIEW JUDICIAL HEARINGS FOR CHILDREN IN OUT-OF-HOME PLACEMENT

Following a probable cause hearing, an adjudication hearing shall be held to determine whether the allegations in a petition are substantiated by a preponderance of the evidence. The dependency-neglect adjudication hearing shall be held within thirty (30) days after the probable cause hearing under A.C.A. § 9-27-315, but on motion of the court and parties for good cause shown it may be continued for no more than thirty (30) days following the first thirty (30) days. However, the adjudication hearing shall not be completed more than sixty (60) days after the probable cause hearing. In dependency-neglect cases, a written adjudication order shall be filed by the court within thirty (30) days of the date of the hearing or prior to the next hearing, whichever is sooner. The Office of Chief Counsel is responsible for drafting and filing court orders. The court can determine the case disposition at the adjudication or at a separate hearing. A disposition determines what actions the agency will take in the case. A judicial determination as to whether reasonable efforts were made or were not required to prevent removal must be made no later than sixty (60) days from the date the child is removed from the home.

The status of each child in out-of-home placement, including children placed out-of-state, shall be reviewed no less than every six months by a judicial review to: (1) determine the safety of the child, the continuing need for and appropriateness of the placement, (2) determine the extent of compliance with the case plan, (3) determine the extent of progress made toward alleviating or mitigating the causes necessitating the placement, and (4) project a likely date by which the child may be returned and safely maintained at home or placed for adoption or legal guardianship. Pertaining to Title IV-E eligibility requirements, the judicial review is conducted by court review, not an administrative review process. During each six-month review, the court shall make determinations based upon the best interest of the child. The best interest of the child shall be paramount at every stage of the judicial process.

Each child in an out-of-home placement, including children placed out-of-state, shall have a permanency planning hearing within 12 months of the date the child is considered to have entered foster care and not less frequently than every 12 months thereafter during the continuation of foster care. (A child will be considered to have entered foster care on the date the child enters an out-of-home placement.) When the court determines that reasonable efforts to return the child home are not required, the court shall hold a permanency hearing within thirty (30) days of the determination in order to enter a new disposition in the case to determine the child's future status. A permanency hearing shall also be held after a child has been in an out-of-home placement for fifteen (15) of the previous twenty-two (22) months, excluding the time spent while the child is on a trial home placement and runaway status. The Permanency Planning Hearing will be conducted by the court, not by an administrative body.

The Division must obtain a judicial determination that reasonable efforts were made to finalize the permanency plan for the child within 12 months of the date the child entered foster care. If a child remains in an out-of-home placement after the initial permanency planning hearing, an annual permanency planning hearing shall be held to reassess the permanency goal selected for the child. If a judicial determination regarding reasonable efforts to finalize a permanency plan is not made, the child will be ineligible under Title IV-E from the end of the 12th month following the date the child is considered to have entered foster care or the end of the 12th month following the month in which the most recent judicial determination of reasonable efforts to finalize a permanency plan was made, and remains ineligible until such a judicial determination is made.

The Permanency Planning Hearing shall determine the permanency goal for the child that includes, listed in order of preference:

- (1) Returning the child home at the permanency planning hearing if it is in the best interest of the child and the child's health and safety can be adequately safeguarded if returned home,
- (2) Termination of parental rights so the child can be adopted, unless:
 - The child is being cared for by a relative, including a minor foster child caring for his or her own child who is in foster care, and termination of parental rights is not in the best interest of the child;
 - The Division has documented in the case plan a compelling reason why filing a termination petition would not be in the best interest of the child and the court approves the compelling reason as documented in the case plan; or
 - The Division has not provided services, consistent with the case plan, necessary for the safe return of the child to his home.

At any time during the course of a case, DHS, the Attorney Ad Litem or the court can request a hearing on whether or not reunification services should be terminated. The requesting party shall provide notice to the parties at least fourteen (14) calendar days before the hearing. The notice shall identify the grounds for recommending termination of reunification services in sufficient detail to put the family on notice. The court shall determine whether or not reunification services shall be terminated. The burden of presenting the case shall be on the requesting party. The court shall conduct and complete a hearing on a "no reunification services" request within fifty (50) days of the date of written notice to the defendants. However, upon good cause shown, the hearing may be continued for an additional twenty (20) days. The court shall enter an order determining whether or not reunification services shall be provided. If the court determines that reunification services shall be terminated, the court shall hold a permanency planning hearing within thirty (30) days after the determination. If the court determines the permanency goal to be termination of parental rights, the Department shall file a petition to terminate parental rights within thirty (30) days from the date of the entry of the order establishing such goal. The court shall conduct and complete a termination of parental rights hearing within ninety (90) days from the date the petition for termination of parental rights is filed, unless continued for good cause. After an order of termination of parental rights is filed, the court shall review the case at least every three (3) months when the goal is adoption, and in other cases, every six (6) months until permanency is achieved for the child. (Refer to Policy VIII-C.) The court reviews continue, even if a case is on appeal.

If it is in the child's best interest, visits between siblings and with relatives may continue after Termination of Parental Rights (TPR), if visitation was established prior to TPR. Visitation after TPR will continue until an adoption placement is made or the Out-of-Home placement case is closed.

- (3) Legal guardianship,
- (4) Permanent custody,

If the court grants legal guardianship or permanent custody no further services or periodic reviews are required.

- (5) Continue the goal of reunification only when the parent is complying with the established case plan, and orders of the court making significant measurable progress towards achieving the goals established in the case plan, and diligently working toward reunification. Reunification must be expected to occur within a time frame that is consistent with the child's developmental needs.
- (6) Independence (see definition of Independence in Glossary). In the case of a child who has attained age 16, the permanency planning hearing will determine the services needed to assist the child to make the transition from foster care to independent living.

Independence shall be selected only if the child cannot be reunited with the child's family; another permanent plan is not available; and a compelling reason exists why termination of parental rights is not in the child's best interest or the child is being cared for by a relative and termination of parental rights is not in the best interest of the child.

If DHS concludes, after considering reunification, adoption, legal guardianship, or permanent placement with a fit and willing relative, that the most appropriate permanency plan for a child is placement in another planned permanent living arrangement, DHS will document to the court the compelling reason for the alternate plan.

The Department may seek the services of the Federal Parent Locator Service to search for absent parents at any point in order to facilitate a permanency plan.

The Department shall provide the foster parent(s) of a child, and any pre-adoptive parent or relative providing care for the child with timely notice of, and an opportunity to be heard in, permanency hearings and six-month periodic reviews held with respect to the child during the time the child is in the care of such foster parent, pre-adoptive parent or relative caregiver. Notice of, and an opportunity to be heard, does not include the right to standing as a party to the case. The permanency hearing will also serve to address procedural safeguards as they apply with respect to parental rights pertaining to the removal of the child from the home of his or her parents, to a change in the child's placement, and to any determination affecting visitation privileges of parents. Judicial determinations regarding "contrary to the welfare", reasonable efforts to prevent removal, and reasonable efforts to finalize the permanency plan in effect, including judicial determinations that reasonable efforts are not required, must be explicitly documented and made on a case-by-case basis and so stated in the court order.

If reasonable efforts and “contrary to the welfare” judicial determinations are not included as required in the court orders, a transcript of the court proceedings is the only other documentation acceptable to verify that the required determinations have been made.

Neither affidavits nor nunc pro tunc orders will be acceptable as verification documentation in support of reasonable efforts and “contrary to the welfare” judicial determinations.

Court orders that reference state law to substantiate judicial determinations are not acceptable, even if state law provides that removal must be based on a judicial determination that remaining in the home would be contrary to the child’s welfare or that removal can only be ordered after reasonable efforts have been made.

At any hearing in which the Department of Human Services is ordered by the court to provide services for a family, the court shall provide the Department with the opportunity to be heard. When DHS is not a party to the case, failure by the court to provide at least five (5) working days’ notice to DHS renders any part of the order pertaining to DHS void. Refer to Policy II-1 for information related to FINS cases.

PROCEDURE (VI-F1): Case Review Judicial Hearings for Children in Out-of-Home Placement

The Family Service Worker will:

- Receive the confirmed court date from the OCC attorney.
- Provide the OCC attorney with the name and address of any grandparent who is entitled to notice based on the conditions listed in Procedure (II-E10).
- Provide notice to the parties at least fourteen (14) calendar days before the hearing , if DHS is the requesting party.
- Complete a court report for all review hearings.
- Submit the “Court Report” (CFS-6011) to the OCC Attorney within fifteen (15) working days prior to the hearing.
- Submit the “Permanency Planning Hearing Court Report” (CFS-6024) to OCC, CASA and all parties no later than seven (7) days before the scheduled Permanency Planning Hearing.
- Make a recommendation to the court to continue visits between siblings and with relatives who have established visitation prior to TPR, if this is in the child’s best interest. Document the recommendation in the “Permanency Planning Hearing Court Report” (CFS-6024).
- Invite the out-of-home placement provider to all hearings
- Attend all hearings and be prepared to provide testimony regarding services offered or provided, progress and recommendations to the court.
- Bring case files to all hearings.
- Discuss orders of the court with the family.

The court may order progress reports from the service provider whenever a child is placed out-of-home and in a setting other than a DHS foster home.

The order shall set forth the schedule for the progress reports and shall identify the service provider responsible for submitting the progress report.

The service provider shall be provided a copy of the written court order by certified mail, restricted delivery or by process server.

Failure to follow the order of the court shall subject the service provider to contempt sanctions of the court.

The progress report shall include, but is not limited to:

- Reason for admission;
- Projected length of stay;
- Identified goals and objectives to be addressed during placement;
- Progress of the child in meeting goals and objectives;
- Barriers to progress;
- Significant behavioral disruptions and response of provider; and
- Recommendations upon the child's release.

The service provider shall immediately report any incidents concerning the juvenile's health or safety to the child's attorney or Attorney Ad Litem and the custodian of the child.

POLICY (VI-G): INTERSTATE COMPACT ON PLACEMENT OF CHILDREN (ICPC)

The Interstate Compact on the Placement of Children (ICPC) is used to move children in need of a foster or pre-adoptive placement, adoption across state lines or reunification with parent(s). A foster child is defined as a child who has been removed from the home of his parent, guardian or custodian by a court of competent jurisdiction and whose custody has been placed with a private or public agency.

When a child requires placement for foster care or a possible adoption outside the resident state, DCFS shall use the ICPC process. Unless authorized by the ICPC, all communications with other states regarding approval of placement, progress reports, disruption of placement, or termination of the ICPC case should process through the Arkansas ICPC Office, to the Family Service Worker.

The ICPC process ensures:

- Proper extensions of authority into the receiving state.
- The sending agency can obtain home studies for proposed placements, is identified as legally and financially responsible and does not lose jurisdiction once the child leaves the sending state.
- The receiving agency can determine the placement is not “contrary to the child’s interests” and that all applicable laws and policies have been followed.
- Supervision is maintained out-of-state and the sending agency receives progress reports.
- Maximum opportunity for each child to be suitably placed.
- Proper information to authorities in the receiving state.
- Effective utilization of cross-jurisdictional resources to facilitate timely foster, adoptive or permanent placements.

DCFS caseworkers should not directly contact the ICPC offices in other states, but should direct their communication to the DCFS ICPC Office. Interstate communication between field staff from the involved states is discouraged, except for the routine sharing of information, which is NOT related to case approval, progress reports, disruption or termination of placement.

The Juvenile Division of Circuit Court shall retain jurisdiction to issue orders of adoption, interlocutory or final, when a child is placed outside the state of Arkansas.

PROCEDURE (VI-G1): Types of Placement Covered by ICPC

Children placed out-of-state are to go through ICPC when one of the following placements occur:

- Foster care placements
- Pre-adoption placements
- Adoptive placements,
- Parent, other relative, or non-agency guardian placements.

NOTE: If in doubt, request clarification from the Arkansas Interstate Compact Unit, P.O. Box 1437, Slot S567 Little Rock, Arkansas, 72203-1437. Phone: (501) 682-8556.

PROCEDURE (VI-G2): Types of Placement Not Covered by ICPC

Types of placements that are not covered by ICPC include:

- Divorce or custody investigations involving home studies.
- Placement of a probationer, parolee or aftercare juvenile.

- Interstate placement of mentally ill and mentally defective children.
- Placement into a primarily educational institution.
- Runaways from Arkansas to another state or to Arkansas from another state. (See Procedure VI G17 about other compacts).
- Kidnapped children transported out-of-state.
- Visits that do not extend beyond 30 days and are not pre-placement visits.
- Placement outside the resident state when custody will be transferred to that person.

PROCEDURE (VI-G3): Responsibilities of the Sending State

The **sending party** will:

- Provide proper notice of the intent to place using the ICPC 100A (IC Placement Request) and receive authorization from the receiving state prior to the placement.
- Work with the receiving parties to arrange the placement details (i.e., childcare payment, type of monitoring, frequency of supervisory reports, and transportation) after approval is given.
- Provide additional information when requested by the receiving state to ensure the placement is not “contrary to the interests of the child”.
- Notify the receiving state of the placement date and any change in the child’s status by using the ICPC 100B (IC Report on Child’s Placement Status).
- Retain jurisdiction over the child sufficient to determine all matters of custody, supervision, care and disposition of the child until the child is adopted, reaches majority, becomes self-supporting, or is discharged with concurrence of the appropriate authority in the receiving state.
- Retain planning and financial responsibility for the duration of the placement.

NOTE: The one exception comes under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) requiring that children under Title IV-E adoption assistance agreements and those receiving Title IV-E foster care payments will be granted Medicaid coverage in their current resident state. (See Medical Services Manual, Section 6600 to 6673.)

- Return the child to the sending state at the request of the receiving state.

PROCEDURE (VI-G4): Responsibilities of the Receiving State

The **receiving state** will:

- Assess and monitor the placement to ensure compliance with applicable laws and policies of the receiving state, and that the placement is “not contrary to the interests of the child”.
- Notify the sending state in writing whether or not the placement is appropriate and in the best interest of the child.
- After the child is placed and the ICPC 100B received, supervise the placement and provide or arrange for necessary services.
- Submit quarterly progress reports to the sending party. More frequent reports may be submitted on request.
- Honor and enforce lawful orders of the court of jurisdiction of the sending state unless it conflicts with Arkansas policies and/or laws.

PROCEDURE (VI-G5): Placing Arkansas Children in Another State and Requesting Out-of-State Home Studies

The following are procedures to use when requesting an out-of-state home study for an Arkansas child, including placement into residential treatment facilities. Always use the child's name on the correspondence.

The **sending party** (county office, etc.) will compile an Interstate Compact Placement Packet consisting of:

- Cover letter or memo to the Arkansas Interstate Compact Office briefly explaining the following placement plans. It should:
 - Request an evaluation of the proposed placement, or home and explain why it is needed.
 - Clarify legal status and court/Division plans.
 - Clarify discrepancies in the request (incomplete or excluded documents).
 - Clarify financial planning (foster care payments are to be made, Medicaid coverage, etc.).
 - Financial / Medical Plan – ICPC (CFS-592).
- Specify special needs of the child (medical, educational, etc.) and issues to be addressed.
- “Interstate Compact Placement Request” (ICPC-100A). (Retain one copy and include five copies with the packet.)
- Court order showing DHS custody of or court jurisdiction over the child.
- “Case Plan” (CFS-6010),
- Court order (most recent) showing that DHS has custody or the court has jurisdiction of the child (a special court order requesting a home study is not required).
- Documentation of the child's IV-E eligibility status (DCO-91).
- Complete a thorough Social Summary including background information on the child and family.
- Include the following additional information if applicable:
 - psychological testing reports,
 - counseling reports,
 - school reports / records.
 - medical records / reports,
 - other appropriate reports/documents.
- Send packet to Administrator, Interstate Compact on the Placement of Children Unit, P.O. Box 1437, Slot S567, Little Rock, Arkansas 72203-1437.

NOTE: Financial arrangements should be discussed with the prospective placement resource before the study is requested. If a board payment is needed, a foster home study must be requested

The **Arkansas ICPC Office** will:

- Review the packet to determine whether or not it is complete and ready to forward to the receiving state's ICPC office.
- Coordinate with the sending party if changes in the packet are needed.

- Send packet to receiving state's compact office.
- Notify sending party of disposition.
- Coordinate the travel plans with the Family Service Worker if placement is approved (placement must be made within 6 months of placement approval).

The **Family Service Worker/Area ICPC Liaison** will:

- Complete and route the "Interstate Compact Report on Placement Status of Child" (ICPC-100B) to the ICPC office if the out-of-state placement is approved and made. Show the date of the placement or of the withdrawal of the request.
- Close the Arkansas Medicaid so that Medicaid services can be pursued in the receiving state.
- Code the "Application for Emergency Services" (CFS-6013) to show ICPC service using the child's name.
- Key the case type in CHRIS as "ICPC" for the child placed by the Division in another state.
- Notify the Adoption Services Unit of a proposed adoptive placement, if appropriate.

NOTE: Communication between states regarding approval of placements, progress reports, case closures and disruptions must go through the ICPC office.

PROCEDURE (VI-G6): Children Entering Arkansas for Placement

Services to children should not begin without placement approval (ICPC-100A) from the receiving state's ICPC office AND receipt of placement notification (ICPC-100B) from the sending state's ICPC office.

- Requests from sending state should include the same information as described in the Interstate Placement Packet and outlined in Procedure VI-G5.
- Contact the Arkansas ICPC Administrator if additional information is needed from the sending state to initiate services.

The disposition of requests is as follows:

- Requests for home studies of foster parent, relative homes, or adoptive homes received in the Arkansas ICPC office will be forwarded to the appropriate County Office for a reply.
- The Arkansas ICPC Unit will forward the foster home study to the ICPC Field Liaison, Area Manager or DCFS Supervisor.

NOTE: The Arkansas ICPC Unit will forward the adoptive home study to the Adoption Field Service Manager, who will forward it to the Adoption Specialist.

PROCEDURE (VI-G7): Completion of a Home Study

The Family Service Worker/Area ICPC Liaison will:

- Complete a Central Registry Check and a thorough home study, including the results of the criminal record check; if available, with signed recommendation regarding placement within ninety (90) calendar days of a request. The DCFS Supervisor must also make a recommendation for or against placement. If the criminal record checks have not been received, a copy of the application/request must be included in the packet and the results sent when received.

NOTE: The Adoption Field Services Manager must sign and date the recommendation in an adoption home study.

- Notify the ICPC office if there is to be a delay.
- Include “Request for CPS Central Registry” (CFS-316) and “State Adoptions Criminal Record Check” (CFS-342B). The results of the criminal records check shall be provided to the court as soon as they are received.
- No foster child in the custody of another state agency who is placed in Arkansas shall be placed in any home if the criminal record check reveals a felony conviction of an adult in the home for:
 - (1) Child abuse or neglect;
 - (2) Spousal abuse;
 - (3) A crime against children, including child pornography; or
 - (4) A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

If the criminal record check reveals a felony conviction of any adult in the home for physical assault, battery, or a drug-related offense and the offense was committed within the past five (5) years, the child shall not be placed in the home.

- Send the home study to the Arkansas Administrator, Interstate Compact Unit, not directly to the other state.

PROCEDURE (VI-G8): Routing of a Home Study

ICPC approved home study packets are valid for six (6) months from the date the ICPC Office signed the ICPC-100A. The child must be placed within that 6-month period.

The **Arkansas ICPC Unit (Receiving Office)** will:

- Review the home study packet to determine whether or not it is appropriate to forward to the sending state ICPC Office.
- If the home study packet is complete, send it to the sending state ICPC office.

If approved, the **sending state** will:

- Proceed with placement plans.
- Complete an “Interstate Compact Report on Child’s Placement Status” (ICPC-100B) stating their placement plans and route the placement plan to the Arkansas ICPC Unit indicating placement or withdrawal of the request for placement.
- Forward the ICPC-100B to the receiving state ICPC Office once the child is placed.

The **Arkansas ICPC Unit** will:

- Forward the ICPC-100B to the appropriate DCFS field operative (i.e. ICPC Liaison, DCFS Supervisor or Area Manager) so that they will be notified of the placement and services can begin.

PROCEDURE (VI-G9): Follow-up, Routing, and Monitoring

The **Family Service Worker** in Arkansas will:

- Provide monthly supervision of the child and send quarterly progress reports to the Arkansas ICPC Unit or as often as requested on the ICPC-100A.
- Notify the Arkansas Administrator ICPC office, immediately, if problems or changes with placement occur.
- Key the case type in CHRIS as “ICPC” for the child placed in Arkansas from another state.

PROCEDURE (VI-G10): Travel Procedures for Children Receiving Out-of-Home Placement Services

When an Arkansas foster child has been approved to move into or out of Arkansas for a foster care or adoptive placement, or for reunification with parent(s) the **Family Service Worker/Area ICPC Liaison** will:

- Submit request for travel to ICPC office with “Application for Out-of-State Travel” (DHS-1010) no less than two (2) weeks in advance. (The ICPC office will be responsible for obtaining approvals for the travel.)
- Make necessary travel arrangements through a travel agency approved by DHS.
- Submit ICPC-100B to the ICPC office for forwarding to the receiving state after the child is placed in the receiving state.

When an escort (state employee or non-state employee) is needed to assist with transporting an Arkansas foster child to or from an out-of-state placement, the **Family Service Worker/Area ICPC Liaison** will:

- Submit the same information as stated above for foster children travel.
- No travel shall commence until the DHS-1010s are signed.

PROCEDURE (VI-G11): Other Travel (Non-ICPC and Non-DCFS Children)

For Non-ICPC travel, the **Family Service Worker** will:

- Request prior approval, using the DHS-1010 for a child and for an escort, as appropriate. (e.g., to attend a funeral, go on vacation with a foster parent or go on a visit of less than thirty (30) days.)
- Direct requests and questions to the Foster Care Unit.

Exception: For children placed out-of-state by an Arkansas court, the **sending party** is responsible for arranging transportation (DHS does not have legal custody).

- Forward the DHS-1010 to the Assistant Director of Community Services and the DCFS Director for signature.
- Attach the child's court order giving authority to travel and written documentation from the Attorney Ad Litem.

NOTE: An out-of-state visit is 30 days or less and is not subject to ICPC. However, if it is greater than 30 days, it is a placement, which is subject to ICPC.

PROCEDURE (VI-G12): Progress Reports

The **receiving state** must:

- Send quarterly progress reports every three months unless otherwise stated on the ICPC-100A.
- Mail progress reports to ICPC office for forwarding to the sending state.
- Enter the progress reports in the child's case record in CHRIS.

PROCEDURE (VI-G13): Termination of ICPC Cases

An Interstate Compact Placement can only be terminated with the concurrence of the receiving state ICPC Office. Reasons for terminating an ICPC placement include the following reasons:

- Adoption is finalized.
- Child reaches age of majority.
- Child is emancipated.
- Child is returned to the sending state.
- Custody is returned to the parent or placed with a relative with the approval of both the sending and receiving states.
- Transfer of jurisdiction.
- Concurrence of the receiving state.

The **Family Service Worker** will:

- Complete ICPC-100B indicating termination reason and route it to the ICPC office for forwarding to the receiving state.

The **Arkansas ICPC Unit** will:

- Send the ICPC-100B to the sending or receiving state's ICPC office to notify them of the closure of the ICPC case.

NOTE: The sending state is responsible for the original submission of both the ICPC-100A and 100B.

PROCEDURE (VI-G14): Exceptions to Policy

Items and services not specified in this policy must have prior approval of the Interstate Compact Deputy Administrator.

The **Family Service Worker/Area ICPC Liaison**, with the approval of the Area Manager, will:

- Write a memo to the Interstate Compact Administrator to fully explain the situation.
- Request that exceptions to policy be made.

The Arkansas ICPC Administrator will:

- Review the request.
- Inform the Family Service Worker/Area ICPC Liaison of the decision.

PROCEDURE (VI-G15): Request for a Priority Placement (Regulation No. 7 in the Guide to the Interstate Compact on the Placement of Children)

A priority placement is when a court, upon request or on its own motion, or where court approval is required, determines that a proposed priority placement of a child from one state into another state is necessary because:

- The child is under two years of age;
- The child is in an emergency shelter; or
- The court finds that the child has spent a substantial amount of time in the home of the proposed placement recipient.

NOTE: Regulation No. 7 does not define "substantial amount of time", consequently leaving its interpretation to the receiving state ICPC.

The receiving state agency has thirty (30) days to complete a request for a priority placement. Requests for placement shall not be expedited or given priority except as outlined below.

A request for a priority placement will be implemented as follows:

- The court shall send its order to DCFS within two (2) business days.
- The order shall include:
- The child's name, address and phone number;
- The Fax number of the judge and the court, if available.
- The sending party will send the following to the state Central Office ICPC via overnight mail, or fax, within three (3) business days:
- The signed court order. (The court order must specify how the case qualifies as Regulation No. 7.);
- A completed form 100A (ICPC Placement Request);
- Supporting documentation according to policy.

- Within two (2) business days after the receipt of the ICPC priority placement request, the sending state ICPC office will overnight mail the priority request and its supporting documentation to the receiving state ICPC office with a notice that the request for placement is entitled to priority processing.
- The receiving state ICPC Office shall send all the documents to the receiving state's local office within two (2) days. The receiving state's local office has twenty (20) working days to send a determination back to the receiving state's ICPC Office.
- The receiving ICPC office has two (2) days to overnight mail the determination to the sending state's ICPC office. The sending state ICPC office has two (2) days, through overnight mail, to send the determination to the local office.
- The foregoing shall not apply if:
- Within two (2) business days of receipt of the ICPC priority placement request, the sending state Compact Administrator determines that the ICPC request documentation is substantially insufficient, specifies that additional information is needed, and request the additional documentation from the FSW by FAX or telephone if FAX is not available, or
- Within two (2) business days of receipt of the ICPC priority placement request, the receiving state Compact Administrator notifies the sending state Compact Administrator that further information is necessary. Such notice shall specifically detail the information needed.

NOTE: For such a case in which either of the two prior dot points apply, the twenty (20) business day period for the receiving state Compact Administrator to complete action shall be calculated from the date of the receipt by the receiving state Compact Administrator of the additional information requested.

PROCEDURE (VI-G16): Juvenile, Mental Health, and Adoption and Medical Assistance Compacts

In addition to the ICPC, three other Interstate Compacts were enacted to coordinate the interstate placements of children and juveniles as follows:

- **Interstate Compact on Juveniles:** This compact is designed to serve those children needing an out-of-state placement who have been adjudicated delinquent and who have been placed on probation or parole. This compact also provides for the return of non-delinquent runaways, escapees, and absconders. The Interstate Compact on Juveniles is administered by the Division of Youth Services.
- **Interstate Compact on Mental Health:** This compact is designed to facilitate the transfer of resident patients (both children and adults) from a state-operated mental health facility in one state to a similar state-operated facility in another state. The Mental Health Compact is administered by the Division of Mental Health.
- **Interstate Compact on Adoption and Medical Assistance:** This compact is for adoption assistance for IV-E eligible children who are under an adoption subsidy agreement. The adoption worker should notify the Adoption Subsidy Coordinator as soon as it is known that an adoptive family/child is moving out of state or has moved. The Adoption Subsidy Coordinator will send information to the new state of residence and also to the adoptive parents advising them to contact the local Medicaid office in their new state of residence. This contact will be for the purpose of getting medical benefits for their child in the new state of residence.

POLICY (VI-J): OUT-OF-HOME (NON-DHS CUSTODY)/RELATIVE PLACEMENTS

A.C.A. § 9-27-354 of the Juvenile Code states placement or custody of a juvenile in the home of a relative shall not relieve the Department of its responsibility to actively implement the goal of the case. If the relative meets all relevant child protection standards and it is in the juvenile's best interest to be placed with the relative caregiver, the Department shall discuss with the relative the following two (2) options for placement of the juvenile in the relative's home:

- (A) The relative becoming a DHS relative foster home; or
- (B) The relative obtaining legal custody of the juvenile.

The juvenile shall remain in a licensed or approved foster home, shelter, or facility, or an exempt child welfare agency until the relative's home is opened as a regular foster home or the court grants custody of the juvenile to the relative after a written approved home study is presented to the court.

If the relative chooses to obtain legal custody of the juvenile a protective services case must be opened on the child and a case plan developed to establish permanency for the child. The Division must provide services similar to the services that would have been provided if the child was placed in foster care, and the case plan must address these services. For example, if there are health, education, or counseling needs of the child they should be addressed in the case plan.

Relatives have the option of obtaining permanent custody or guardianship if all efforts toward reunification are exhausted and/or to achieve case plan goals for permanency. If the court grants permanent custody, or guardianship is granted, the protective services case will be closed.

If Termination of Parental Rights (TPR) is an option for the case, the relative is eligible to adopt the child and can receive services identified in Procedure (VIII-H2) Subsidy Payments and Support for Non-Custody Adoptions (Out-Of-Home Placement Services, SSI Eligible Private Agency and Independent Adoptions), if the child is eligible.

PROCEDURE (VI-J1): Out-of-Home (Non-DHS Custody)/Relative Placements

The Family Service Worker will:

- Complete the home study on the relative and submit the home study to the court with the recommendation to place or not to place the child with the relative.
- Complete the CFS-452 (Relative Placement Kinship Care/Relative Foster Care Verification) to ensure that the family has an understanding of their role in the case.
- Open a protective services case on the child if the court grants custody to the relative.
- Schedule a staffing within 30 days of opening the protective services case and invite the child's parents, relatives, the child, if age appropriate, and community providers as appropriate. The staffing needs to determine the permanency goal for the child: reunification, permanent custody with the relative, TPR or adoption.
- Complete or update the CFS-6009 (Family Strengths and Needs Assessment) within 30 days of opening the protective services case.
- Develop or update the case plan (CFS 6010) within 30 days of opening the protective services case.
- Complete the Permanency Planning Hearing Court Report (CFS-6024) and submit to the OCC attorney within fifteen (15) working days prior to any hearings scheduled for the case.
- Hold staffings, as needed, in accordance with Procedure IV-B1 (Case Staffings) and update the Family Strengths and Needs Assessment (CFS-6009) and Case Plan (CFS-6010).
- Invite the Adoption Specialist to the staffing when appropriate.
- Conduct a staffing to discuss closure when appropriate.

PROCEDURE(VII-C1): Supervision of Children in Out-of-Home Placement

The Family Service Worker will:

- Visit with the child at least once a week in the out-of-home placement.
- Document deviation for less frequent visits and obtain supervisory approval.
- Obtain approval of the Area Manager when the deviation is due to staff shortages.
- Report to the Child Abuse Hotline immediately if the child is the subject of an allegation of child maltreatment, and then immediately notify the child's custodial/non-custodial parent(s), the OCC Attorney and Attorney Ad litem.
- Follow up immediate notification by forwarding a copy of the CFS-310 (Notice of Child Maltreatment Allegation) immediately, but no later than five (5) business days, to the child's custodial/non-custodial parent(s) and Attorney Ad Litem whenever the child is the victim or offender named in an allegation of child maltreatment.
- Notify Attorneys ad litem, via the CFS-310, immediately, but no later than five (5) business days, for all the children placed in the same out-of-home placement if the allegation is in connection with the foster home.
- If there is an allegation of sexual abuse perpetrated by a foster child, a public defender will be assigned to the child. The investigating agency (CACD) will provide notice of the investigative determination to the juvenile, the juvenile's parents and the public defender who represented the child during the investigation via the CFS-312 (Child Maltreatment Assessment Determination). The CFS-312 must be forwarded to the Juvenile Division of the Circuit Court if there is a true finding of sexual abuse perpetrated by a child under the jurisdiction of the court.

POLICY (VII-D): CHANGES IN OUT-OF-HOME PLACEMENT

The Division recognizes the importance of providing a stable placement for children in out-of-home placement. Family preservation services shall be utilized if necessary to address problems in the out-of-home placement in order to prevent disruption.

Changes in placement shall be made only after notification to the age-appropriate child, foster parent, the court, the OCC Attorney, Attorney Ad Litem, and the child's family. Notices shall be sent in writing two (2) weeks prior to the proposed change. The notice shall:

- Specify reasons for the proposed change,
- Provide to the Attorney Ad Litem the address of the proposed new out-of-home placement, and
- Provide to the child the name and telephone number of the Attorney Ad Litem.

The age-appropriate child will be notified of the right to appeal the change and to request assistance from the Attorney Ad Litem. Pre-placement visits shall be conducted when possible before a change in placement. Exceptions to the advance notice requirement shall be made if the child's health or safety would be endangered by delaying a change in placement. Within twenty-four (24) hours of the emergency change in placement, DHS shall notify the custodial/non-custodial parent(s), the OCC Attorney and the child's Attorney Ad Litem of the change via the CFS-300 (Parent/Attorney Ad Litem Notification of Change). DHS shall provide written notice to the Attorney Ad Litem with the name and address of the new out-of-home placement provider. Within seventy-two (72) hours of the emergency change in placement, DHS shall provide written notice to the OCC Attorney and Attorney Ad Litem for the specific reasons justifying the change of placement without advance notice.

If an agent, employee, or contractor of DHS fails to comply with the emergency notice of change in placement requirements, then an action for violation of the requirement may be filed by any party to the action against the person who failed to comply with the requirement. The court will determine the assessment of punishment with the most probable punishment being cited as contempt of court.

If the court finds the agent, employee, or contractor of DHS failed to comply with the requirement, then the court may order DHS or the agent, employee, or contractor to pay all of the costs of the proceedings brought under this requirement.

When a foster parent requests a foster child be removed from their home, excluding an emergency that places the child or a family member at risk of harm, the foster parent must attend a staffing to discuss what services or assistance may be needed to stabilize the placement. The staffing will be held within 48 hours of notification by the foster parent to remove the child from their home. The foster child, the child's Attorney Ad Litem and a CASA, if appointed to the case, shall be notified so that they can attend and participate in the staffing and planning for the child's placement. If the placement cannot be stabilized the foster parent will continue to provide for the foster child until an appropriate alternative placement is located, but this shall not be longer than five (5) business days. These efforts will serve to reduce the number of placements of children in foster care.

The DCFS Eligibility Unit will be notified concerning changes in the child's out-of-home placement. This includes situations wherein the child remains in foster care but is moved from one out-of-home placement to another; has returned home; been placed at a DYS facility, a juvenile detention center, placed with a relative (non-kinship care), on runaway status, or on a trial placement, etc. The child's Medicaid case will close the date the child's foster care case is closed.

Good casework practice dictates that trial placement will not exceed thirty (30) days unless the court dictates a longer duration. To comply with Title IV-E eligibility requirements, trial placement must occur in the home of the custodial/non-custodial parent(s) and may not exceed six (6) months in duration, unless a court orders a longer trial home visit. If a trial placement extends beyond six (6) months and has not been

authorized by the court, or exceeds the time period the court has deemed appropriate, and the child is subsequently returned to foster care, that placement must then be considered a new placement, and Title IV-E must be newly established. Under these circumstances, judicial determinations regarding “contrary to the welfare” and reasonable efforts to prevent removal are required.

At the closure of all out-of-home placement cases discharge planning must be conducted to ensure the health and safety of the child at case closure. The health and safety assessment and risk assessment are tools to be used in determining case closure. Discharge planning must be done at the staffing to close the case. Minimum licensing standards require that a discharge summary be completed on each child and a copy given to the child’s parents if the Division has not been granted TPR (Termination of Parental Rights) by the court. A copy of the discharge summary must become a part of the child’s case file.

PROCEDURE (VII-D1): Changes in Out-of-Home Placement

The Family Service Worker will:

- Provide written notice via the CFS-300 (Parent/Attorney Ad Litem Notification of Change in Placement) to the age-appropriate child, the foster parents, OCC, the court, the Attorney Ad Litem, and the child's family of any changes in placement two (2) weeks prior to the change. The CFS-300 must be given to all parties listed for all planned or emergency changes in placement.
- Select the Out-of-Home Placement that best fits the needs of the child. A child who has been identified as an EXEMPTED FROM FINDING UNDER AGE JUVENILE AGGRESSOR OR SEXUAL OFFENDER must not be placed in a foster home with other children, unless the child's therapist feels that the child is no longer a danger to other children. Proper documentation of this will be contained in the child's hard copy file. If the recommended placement is a facility, the facility must receive information regarding the allegations. This must be documented in the Recommend Placement screen in CHRIS.
- Arrange for a pre-placement visit.
- Provide new address to Attorney Ad Litem.
- Inform age-appropriate child of the right to appeal a change in placement.
- Request an exception to advance notice if an emergency exists.
- Notify the OCC Attorney, Attorney Ad Litem and the child's parent by phone or in person within 24 hours of the change in placement, when a placement is an emergency. If the whereabouts of the parent are unknown, reasonable diligence to locate the parents must be made and documented.
- Complete and fax or hand deliver the CFS-300 to the Attorney Ad Litem within 72 hours of the move. The top portion of the CFS-300 is to be completed only for the child's parent and the entire form must be completed for the notification to the Attorney Ad Litem.
- Submit the "Notification of Change" (CFS-495) to the Foster Care/Medicaid Eligibility Unit within 10 days of change in placement.
- Update child placement information in CHRIS. Updating the placement information will open a response window to notify the Eligibility Unit of the placement change.
- Document submission of the CFS-300 and CFS-495 in the CHRIS Document Tracking Screen.

If a request for removal is made by the foster parent:

The Family Service Worker will:

- Hold a staffing within 48 hours of notification of a request for removal from the foster parent. If the request is made on the weekend or a holiday, the staffing must be held by the close of business of the next working day.
- Remove the child immediately without holding a staffing if the request for removal from the foster parent meets the definition for "imminent harm". Imminent harm is defined as an emergency that places the child or a family member at risk of harm.
- Prepare immediate notification of a staffing to be given to the OCC Attorney, Attorney Ad Litem, CASA, and the foster child if age appropriate. The notification can be by phone, fax, or email. Ensure

that you have a way of contacting the Attorney Ad Litem and CASA immediately. This staffing and notification does not impact required staffings and should only be conducted to help stabilize the placement and /or planning for the child's placement.

- Make an appropriate alternative placement within five (5) business days from the request, if the placement cannot be stabilized.

These requirements do not apply to planned moves, or planned placements, or to respite care.

POLICY (VII-E): FINANCIAL SUPPORT TO FOSTER PARENTS

Title IV-E foster care maintenance payments for a child in foster care may cover the costs of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to the child, and reasonable travel to the child's home for visitation with family or other caretakers. Local travel associated with the preceding list of items are also an allowable expense.

Foster care maintenance payments made on behalf of a child placed in a family foster home or child care institution, who is the parent of a child in the same home or institution, include amounts which are necessary to cover costs incurred on behalf of the child's son or daughter. The costs are limited to funds expended on those items described above.

The Division shall provide foster parents with a monthly board payment as an aid to cover the items listed above for each child receiving out-of-home placement services. When foster parents are caring for a child with special needs and the child's needs can not be met with the regular board payment, the Division may provide the foster parents with an additional payment to cover the extra expenses incurred. The amount of these higher, special board rates will be based on the nature and extent of the child's special needs. The amount of this additional monthly payment will not exceed \$460.00 above the standard board rate for the child's age group. However, if the child is SSI eligible, the rate can go up \$460.00 above the SSI rate.

Special board rates exceeding \$935.00 will be forwarded to the DCFS Assistant Director, Community Services, for approval. A special board rate is approved for a specific placement and need and will be periodically reviewed and adjusted. A change in placement will require a new request and review.

PROCEDURE (VII-E1): Financial Support to Foster Parents

Foster parents shall receive a monthly board rate according to the following chart:

Birth through 5 years	\$400.00 Monthly
Board and Care	345.00
Clothing	40.00
Personal Needs	15.00
6 through 11 years	\$425.00 Monthly
Board and Care	355.00
Clothing	45.00
School and Personal Needs	25.00
12 through 14 years	\$450.00 Monthly
Board and Care	365.00
Clothing	55.00
School and Personal Needs	30.00
15 through 17 years	\$475.00 Monthly
Board and Care	375.00
Clothing	65.00
School and Personal Needs	35.00

PROCEDURE (VII-E2): Requesting a Special Board Rate

The Family Service Worker will:

- Check documentation of the child's special need(s) and the additional activities required of the foster parents to meet the need(s).
- Complete the "Justification For Special Board Rate" (CFS-304) by determining the level of care needed in each of the three need categories, and adding the three levels.
- Submit the request for a special board rate with documentation attached to the County Supervisor for review and recommendation.
- Once approved, review the continuing need for the request on a quarterly basis and, if appropriate, resubmit for re-evaluation by the County Supervisor and the Area Manager.

The County Supervisor will:

- Review the request for completeness and appropriateness and recommend approval or disapproval within 3 working days of receipt.
- If approved, forward the request to the Area Manager for review and approval or disapproval.
- If disapproved, forward the request with a recommendation for disapproval to the Area Manager for review and action as appropriate.
- Once approved, review the continuing need for the request and, if appropriate, resubmit the request on a quarterly basis for re-evaluation by the Area Manager.
- Inform the foster parent in writing of the ultimate approval or disapproval of the request and the reason for that decision, noting that approval is only for 90 days and the documentation of continuing need must be reviewed quarterly.

The Area Manager will:

- Receive requests from the County Supervisor.
- Review the request for completeness and appropriateness, consider the County Supervisor's recommendation and either approve or disapprove the request within three (3) working days.
- Have the authority to approve all Special Board Rates up to \$935.00.
- Refer the request to the Foster Care Unit Manager for a second-party review if the Area Manager can not decide on approval or disapproval.
- Inform the requesting County Supervisor of the request's disposition and reasons for approval, disapproval, or referral to the Foster Care Unit Manager. A Special Board Rate becomes effective the day the Area Manager or Assistant Director, as appropriate, approves it. Retroactive payments will be determined on a case-by-case basis and must be approved by the Assistant Director, Community Services.
- Once approved, assure that the special board rate is reevaluated on a quarterly basis for continued appropriateness.
- Maintain a file for each approved special board rate. The file should contain the requesting memo, supporting documentation, Justification of Special Board Rate (CFS-304), Notification of Approval memo, and a printout of the computer entry of the special board rate.

- Maintain a log of special board rate approvals including the following column headings: Child's Name, Case Number, County, Effective Date, Termination Date, Rate, and Reason.

The DCFS Assistant Director, Community Services will:

- Have the authority to approve or disapprove all Special Board Rates over \$935.00
- Receive completed request packets for special board rates over \$935.00 from Area Managers.
- Check each request packet for completeness to include –
 - A completed CFS-304 (Justification for Special Board Rate).
 - Clear and convincing documentation of any emotional, physical and/or auxiliary problems the child has that may justify a special board rate.
 - The Area Manager's dated signature on the CFS-304 as evidence of his review.
 - A Cover Memo from the Area Manager to the Assistant Director that:
 - Identifies the proposed subsidy as over \$935.00.
 - Provides a justification for the proposed special subsidy, and
 - Makes a recommendation regarding approval or disapproval.
- Review the request for appropriateness and consider the Area Manager's recommendation
- Refer the request to the Foster Care Unit Manager for technical assistance if desired.
- Reach a disposition regarding the request within three (3) working days.
- Inform the requesting Area Manager in writing of the request's disposition and reasons for approval or disapproval.

The Foster Care Unit Manager will:

- Provide only technical assistance when requested regarding special board rates.
- Return the request to the Area Manager or Assistant Director, as appropriate, for his decision and action.

If the special board rate is approved, the following CHRIS procedures will be taken by the Family Service Worker and Area Manager:

The Family Service Worker will:

- Request a special board rate (e.g., Level 4) on the Difficulty of Care screen and will write a brief justification in the comment field.
- Key the date the special board rate is to begin and enter the total specialized board amount into the Authorized Amount field.
- Make the request by pressing the add button, which will make approval available.
- Press "Request" and click "OK", which sends the request to the Area Manager's inbox for approval.

The Area Manager will click approval.

POLICY (VII-F): DAY CARE FOR CHILDREN IN OUT-OF- HOME PLACEMENT

Day care for children may be provided as a part of an out-of-home placement case to provide assistance to foster parents when circumstances exist for child care, e.g., training, transporting a foster child for medical purposes, etc., or if both foster parents work.

PROCEDURE (VII-F1): Day Care for Children in Out-of-Home Placement

The Family Service Worker will:

- Assist foster parents to obtain childcare when such help is needed, for instance, when the foster parents are required to obtain training, or for the foster parents' children when transporting the child in out-of-home placement to services is reimbursable. This transportation is payable via DHS-1914. All other requests must receive prior approval from the Area Manager.
- See Procedure (V-D1): Day Care for Children. Notify the Division of Child Care and Early childhood Education (DCCECE) and the child care facility of changes in childcare, when payment is through DCC.

POLICY (VIII-C): TERMINATION OF PARENTAL RIGHTS

All children have a right to a safe, permanent family. The Division of Children and Family Services shall develop and implement permanency plans for children. One option is to terminate parental rights to a child for adoptive placement, when it has been determined that reunification with the family is not a viable option.

The court may consider a petition to terminate parental rights if the court finds that there is an appropriate permanency placement plan for the child. It is not required that a permanency planning hearing be held as a prerequisite to the filing of a petition to terminate parental rights, or as a prerequisite to the court considering a petition to terminate parental rights.

The court shall authorize DHS to file a petition to terminate parental rights unless: (a) The child is being cared for by a relative, including a minor foster child caring for his or her own child who is in foster care, and termination of parental rights is not in the best interest of the child; (b) DHS has documented in the case plan a compelling reason why filing such a petition is not in the best interest of the child and the court approves the compelling reason as documented in the case plan; or (c) DHS has not provided to the family of the child, consistent with the time period in the case plan, such services as DHS deemed necessary for the safe return of the child to the child's home if reunification services were required to be made to the family.

The Division will file a petition to terminate parental rights in the following circumstances:

- A child (of any age) has been in an out-of-home placement for 15 of the most recent 22 months. A hearing shall be held to determine whether or not DHS shall file a petition to terminate parental rights before the end of the fifteenth (15th) month if:
 - (a) The child has been in out-of-home placement for fifteen (15) continuous months; and
 - (b) At the permanency planning hearing, the court continued the goal of reunification or entered a goal of independence. Trial visits with the parents and time spent on runaway status shall not count in adding up fifteen (15) months.
- The child has been determined by a court of competent jurisdiction to be an abandoned infant. The petition to terminate parental rights will be made within thirty (30) days of the judicial determination that the child is an abandoned infant.
- The parent has been convicted of a felony and the court determines no reunification services are required. (See Policy VI-A). The petition to terminate parental rights will be made within thirty (30) days of a judicial determination that reasonable efforts to reunify the child and parent are not required.

If a juvenile is the subject of an open case filed under the Arkansas Juvenile Code, OCC will file all subsequent petitions (i.e., termination of parental rights, adoption, guardianship) in that same circuit court and case.

If the court adopts the goal of termination of parental rights, the Department shall file a petition to terminate parental rights within thirty (30) days from the date of the entry of the order establishing such goal.

If the court finds that the child should remain in an out-of-home placement, either long-term or otherwise, the child's case shall be reviewed every six (6) months, with an annual permanency planning hearing.

Additionally, if the child has been in an out-of-home placement 15 of the last 22 months, and a termination petition has been filed by another party, the Division will seek to join the petition. Concurrent with the filing of a termination petition, the Division will identify, recruit, process and approve a qualified family for adoption.

NOTE: For the purpose of Title IV-E compliance, the Division will file or seek to join a petition to terminate the parental rights of a parent(s) whose child has been in foster care under the responsibility of the state for 15 of the most recent 22 months. The petition must be filed by the end of the child's 15th month in foster care. In calculating when to file a petition for termination of parental rights, the Division:

- (1) Will calculate the 15 of the most recent 22 month period from the date the child entered foster care;
- (2) Will use a cumulative method of calculation when a child experiences multiple exits from and entries to foster care during the 22 month period;
- (3) Will not include trial placement or runaway episodes in calculating 15 months in foster care; and
- (4) Only apply the 15 of the most recent 22 month rule once if the state does not file a petition because of one of the following exceptions applies.

The state may elect not to file a petition or join a petition to terminate the parental rights of parent if:

- a. At the option of the state, the child is being cared for by a relative, including a minor foster child caring for his or her own child who is in foster care.
- b. DHS has documented in the case plan (which must be available for court review) a compelling reason for determining that filing such a petition would not be in the best interests of the individual child.
- c. DHS has not provided to the family, consistent with the time period in the case plan, services that DHS deems necessary for the safe return of the child to the home, when reasonable efforts to reunify the family are not required.

PROCEDURE (VIII-C1): DCFS Initiates Termination of Parental Rights

The Family Service Worker will:

- Consult the OCC Attorney to determine if legal grounds exist for disposition recommendation of termination of parental rights.
- Schedule and conduct a permanency planning staffing prior to the permanency planning hearing to determine if continuing contact with the custodial/non-custodial parent(s) or putative parent could cause harm to the child and to determine the likelihood that the child will be adopted if the termination petition is granted. Those invited to participate in the staffing are the custodial/non-custodial parent(s), attorney for the parent, age-appropriate child, OCC Attorney, County Supervisor, Adoption Specialist, Attorney Ad Litem, and foster parents.
- Obtain written consent of the Area Manager, if applicable.
- Prepare a Permanency Planning Court Report (CFS-6024) and submit it to the OCC Attorney at least seven (7) working days before the Permanency Planning Hearing.
- Work with the OCC Attorney to file a petition to terminate parental rights.

- Work with the OCC Attorney to prepare for termination of parental rights hearing within thirty (30) days from the date of the entry of the court order.
- Provide the OCC Attorney with information on the CFS-408 (Federal Parent Locator System Information) regarding the custodial/non-custodial parent(s) or putative parent so that notice of the termination petition can be provided.
- Provide the OCC Attorney with the name and address of any grandparent who is entitled to notice based on the conditions listed in Procedure II-E10.
- Refer to Policy VIII-F or VIII-G if termination of parental rights with power to consent to adoption is granted.

The Adoption Specialist will:

- Participate in the staffing if adoption is to be considered as a permanent plan for a child.
- Work with the OCC Attorney to prepare for the termination of parental rights hearing.

Refer to Policy VIII-F or VIII-G if termination of parental rights with power to consent to adoption is granted.

**PROCEDURE (VIII-C3): Custodial/Non-Custodial Parent(s) Requests
Termination of Parental Rights**

When parents want to relinquish custody to DHS and free a child for a permanent placement (refer to Policy VIII-E), the Family Service Worker or the Adoption Specialist (for unborn or newborn infants only) will:

- Discuss service options and offer services to maintain the family unit.
- Read to the parent the section of the consent form that explains the right to withdraw consent to termination of parental rights form.
- The consent to terminate parental rights shall state the person has the right to withdraw consent, within ten (10) calendar days from the signature date, by filing an affidavit with the clerk of the Juvenile Division of Circuit Court in the county designated by the consent as the county in which the termination of parental rights will be filed, and providing the address of the juvenile court clerk of the county in which the termination of parental rights will be filed.
 - The Family Service Worker will assist the parent in filing the affidavit to withdraw parental consent.
 - If the ten-day (10) period ends on a weekend or legal holiday, the parent may file the affidavit the next working day. No fee shall be charged for the filing of the affidavit.
- Notify OCC Attorney.

If the parents still wish to relinquish custody to DHS (refer to Policy VIII-E) after efforts to preserve the family have been offered, the Family Service Worker or the Adoption Specialist (for unborn or newborn infants only), will:

- Present a “Waiver and Consent to the Appointment of a Guardian” (CFS-410) to the parents and explain the form.
- Notify County Supervisor in writing if parents sign CFS-410, with a copy attached.
- Notify OCC Attorney in writing with the original CFS-410 attached.
- Schedule and conduct a staffing, if applicable, to determine if continuing contact with the custodial/non-custodial parent(s) or putative parent could cause harm to the child and to determine the likelihood that the child will be adopted if the termination petition is granted. Those invited to participate in the staffing are the custodial/non-custodial parent(s), attorney for the parent, age-appropriate child, OCC Attorney, County Supervisor, Adoption Specialist, Attorney Ad Litem and foster parents.
- Obtain written consent of the Area Manager, if applicable.
- Work with the OCC Attorney to prepare for termination of parental rights hearing.
- Provide the OCC Attorney with the name and last known address of a custodial/non-custodial parent(s) or putative parent(s) so that notice of the termination petition can be provided.
- Refer to Policy VIII-F or VIII-G if termination of parental rights with power to consent to adoption is granted.

**POLICY (VIII-F): FOSTER PARENT, KINSHIP FOSTER PARENT,
AND RELATIVE ADOPTION**

The Division supports adoption by a foster parent or kinship foster parent, who has a well established relationship with the child in their care and who expresses an interest in adoption, without regard to any racial or ethnic differences if such a placement is in the best interest of the child. The Division also supports adoption by a relative, who is not presently caring for the child and who expresses an interest in adoption if such a placement is in the best interest of the child. Each family and child will be carefully assessed and prepared for adoption. The Division provides pre-placement services for relative adoptions to move children into adoptive families in a timely manner. A foster child placed in an adoptive home continues status as a foster child until finalization of the adoption and the adoption subsidy is initiated. Prior to the finalization of the adoption, post-placement services are provided and services to preserve adoptive families are offered after the adoption is finalized.

Before placement of a child in the home of the adoptive parent, a home study will be conducted. The home study shall address whether the adoptive home is a suitable home, and shall include a recommendation as to the approval of the petitioner as an adoptive parent.

Before placement for adoption, the Division shall compile and provide to the prospective adoptive parents a detailed, written health history and genetic and social history of the child which excludes information which would identify custodial/non-custodial parent(s) or members of a custodial/non-custodial parent(s)' family. The information shall be set forth in a document that is separate from any document containing information identifying the custodial/non-custodial parent(s) or members of the custodial/non-custodial parent(s)'s family. The detailed, written health history and genetic and social history shall be identified as such, and shall be filed with the clerk before the entry of the adoption decree. The adoption summary shall serve as the detailed health history, genetic, and social history document. Upon order of the court for good cause shown, the clerk of the circuit court may tender to a person identified by the court a copy of the detailed, written health history and genetic and social history.

The Division shall provide to foster parents and pre-adoptive parents of a child in Department custody, notice of any review or hearing to be held with respect to the child. The original petitioner in the juvenile matter shall provide relative caregivers notice of any review or hearing. The court shall allow foster parents, pre-adoptive parents and relative caregivers an opportunity to be heard in any review or hearing held with respect to a child in their care. Foster parents, adoptive parents, and relative caregivers shall not be made a party to such review or hearing solely on the basis that such persons are entitled to notice and the opportunity to be heard. Families are identified as pre-adoptive once a child is placed in the home and prior to the finalization of the adoption. Adoptive parents, and each member of the household age ten (10) years and older, residing in Arkansas shall be checked with the Child Maltreatment Central Registry. Adoptive parents and each member of the household age ten (10) years and older residing out of state shall provide Child Maltreatment Central Registry Checks from their state of residence.

Adoptive parents and each member of the household age fourteen (14) years and older residing in Arkansas shall be checked with the Identification Bureau of the Arkansas State Police for convictions of offenses listed in ACA §9-28-409. Adoptive parents and each member of the household age fourteen (14) years and older residing out of the state shall provide State Police Criminal Record Checks from their state of residence. Out of state adoptive families do not need to do an Arkansas State Police Check if they have never resided in Arkansas. Adoptive parents and each member of the household age sixteen (16) years and older who have not resided in Arkansas continually for the past six (6) years, shall complete a record check with the Federal Bureau of Investigation. The Division will provide documentation in the case record that a criminal record check was conducted on the prospective adoptive parent.

A prospective adoptive parent will not be approved or licensed if, based on a criminal record check, a court of competent jurisdiction has determined that the prospective adoptive parent has been convicted of a felony

involving child abuse or neglect, spousal abuse, a crime against a child or children (including pornography), or a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

A prospective adoptive parent will not be approved or licensed if, based on a criminal record check, a court of competent jurisdiction has determined that the prospective adoptive parent has, within the last five (5) years, been convicted of a felony involving physical assault, battery, or a drug-related offense.

All records of any adoption finalized in the state of Arkansas shall be maintained for ninety-nine (99) years.

The Juvenile Division of Circuit Court shall retain jurisdiction to issue orders of adoption, interlocutory or final, when a juvenile is placed outside the state of Arkansas.

PROCEDURE (VIII-F1): Staffing and Recommendations

The Family Service Worker will:

- Notify the Adoption Specialist in writing within two (2) working days of the court hearing that termination of parental rights with power to consent to adoption has been granted if the Adoption Specialist was not at the hearing.
- Determine if the foster parent, kinship foster parent, or a relative is interested in adopting the child if parental rights have been terminated.
- Submit the "Notification of Court Appearance" (CFS-343) to all parties entitled to notice within ten (10) calendar days of any review hearing to be held with respect to a child in their care. Send the CFS-343 through certified mail for all Permanency Planning Hearings.
- Present a "Request for Consideration to Adopt" (CFS-489) to the foster parent or kinship foster parent if they are interested in adopting the child.
- Consider the health and safety of the child.
- Schedule and conduct a staffing within ten (10) working days from the court hearing that terminates parental rights, being sure to include the Adoption Specialist, foster parent, kinship foster parent, relative, age-appropriate child, County Supervisor, Attorney-ad-Litem, **OCC Attorney, CASA, and other professionals, if applicable**. The staffing is to determine if this type of adoption is an appropriate referral for an adoptive family assessment. The following foster parent/relative placement criteria shall be considered during the staffing:

Jurisdiction:

- DCFS will participate in the adoption of a minor only if either the person seeking to adopt the child, or the child, is currently a resident of Arkansas.

Residency Requirements for Adoption in Arkansas:

- The family planning to adopt may live in Arkansas or reside out-of-state and have an approved adoption **home study** from a licensed adoption agency in their state. The family's **home study** must be on file in the Adoption Services Unit.

Residency to determine jurisdiction over an adoption may be established in accordance with one of the three following sets of criteria:

1. A child under the age of six (6) months is a resident of Arkansas if :
 - The biological mother resided in Arkansas for more than 4 months prior to the child's birth, and
 - The child was born in Arkansas or in any city which adjoins the state line or is separated only by a navigable river from an Arkansas city which adjoins the state line, and
 - The child remains in this state until the interlocutory decree has been entered. Or in the case of a nonresident adoptive family, upon receipt of Interstate Compact on the Placement of Children (ICPC) approval, the child and the prospective adoptive parents may go back to their state of residence and subsequently may return to Arkansas for a hearing on the petition for adoption.
2. A child over the age of six (6) months is a resident of Arkansas if that child:
 - Has resided in this state for at least six (6) months, and
 - Currently resides in Arkansas, and
 - Is present in this state when the petition for adoption is filed and heard by a court of competent jurisdiction.
3. A person seeking to adopt is a resident of Arkansas if that person :
 - Occupies a dwelling within the state, and
 - Has a present intent to remain within the state for a period of time, and
 - Manifests the genuineness of that intent through an ongoing physical presence within the state together with indications that the person's presence is not merely transitory in nature.

Age:

Applicant is:

- Between the age of twenty-one (21) and fifty-five (55) years.
- Between the age of twenty-one (21) and forty (40) years for an infant (up to one year old).
- A primary caregiver that is at an age so that it can be anticipated that the caregiver can parent the child into adulthood.

Marital Status:

- In a two-parent home, the husband and wife shall be joint applicants, each shall actively participate in the approval process, and shall provide verification that they have been married at least two years. The marriage shall be stable.
- A person, who is divorced must provide verification of that divorce and must have been divorced for at least one year from the date on the court order.
- A single person may apply to adopt.

General Physical and Mental Health:

- Members of the household do not have a health condition or disability that would interfere with the family's ability to parent the child. Each member of the household shall have a physical examination by a physician within six (6) months prior to the approval of the adoption **home study** on the prospective adoptive family.

Housing:

- Space is adequate to promote health and safety.
- All firearms are maintained in a secure, locked location.
- All water hazards and dangerous pets will be assessed, and a safety plan developed, as appropriate.
- Children of opposite sexes will have their own separate bedrooms except for infants (up to one year old).
- Water is provided by public water system or approved by the Department of Health.

Criminal Background Check:

- Members of the household fourteen (14) years of age or older must agree to a local police and an Arkansas State Police background check and must have no history of convictions for offenses listed in ACA § 9-28-409. These offenses include: capital murder, 1st or 2nd degree murder, manslaughter, negligent homicide, kidnapping, false imprisonment in the first and second degrees, permanent detention or restraint, battery in the 1st, 2nd or 3rd degree, aggravated assault, assault in the 1st or 2nd degree, terroristic threatening in the 1st or 2nd degree, any sexual offense, permitting abuse of a child, endangering the welfare of a minor in the 1st or 2nd degree, contributing to the delinquency of a minor, engaging children in sexually explicit conduct for use in visual or print medium, transportation of minors for prohibited sexual conduct, use of a child or consent to use of a child in sexual performance, and producing, directing, or promoting sexual performance by a child; incest, interference with visitation, interference with custody, engaging in conduct with respect with controlled substances, distribution to minors, public display of obscenity, prostitution, promoting prostitution, criminal attempt, criminal complicity, criminal solicitation, criminal conspiracy, any felony or misdemeanor involving violence, threatened violence or moral turpitude, and former or future law of this or any other state or of the federal government which is substantially equivalent to one of the aforementioned offenses.
- Out of state adoptive families do not need to do an Arkansas State Police Check if they have never resided in Arkansas. Adoptive parents and each member of the household age fourteen (14) years and older residing out of the state shall provide state police criminal record checks from their state of residence.
- In addition applicants and all members of their household age sixteen (16) years or older must agree to a FBI criminal record check if he or she has been a resident of the state for less than six (6) years.
- Any person who is found guilty of, or pleads guilty or nolo contendere to, an excluded criminal offense pursuant to ACA § 901-28-409(e)(1) shall be excluded as an adoptive parent.

Central Registry Check:

- Members of the household ten (10) years of age or older must agree to a Child Maltreatment Central Registry Check in his state of residence and any state of residence in which the person has lived for the past six (6) years, and in the person's state of employment, if different. The person must have no history of true abuse and/or neglect.
- Adoptive parents and each member of the household age ten (10) years old or older, shall repeat the check every year until the adoption decree has been issued. Adoptive parents, and each member of the household age ten (10) years or older, residing out of state shall have a Child

Maltreatment Central Registry Check, if available, in their state.

Resources:

- The applicant must have sufficient resources to meet the financial, medical, physical, educational, emotional and shelter needs of the child. Verification of income/employment is required.

Birth Family:

- The family will meet the child's needs to have continuity with the birth family if applicable.
- The family can deal appropriately with interference from the birth family.
- Geographic location will not present risks for the child to be harmed by birth family.

Foster Family Care:

- The family will continue to be able to meet this child's specific needs if they continue as foster parents. The child's health and safety are paramount.

Pre-Service Training:

- The applicant has completed pre-service training.
- The applicant is willing to complete any further training in order to meet a child's specific needs.

When **exceptions to the criteria** are requested, the County Supervisor will request it within the written summary of the staffing and forward it to the Adoption Field Services Supervisor within five (5) working days of the staffing. The Adoption Field Services Supervisor will make a decision and notify the County Supervisor in writing within five (5) working days of receiving the summary. If the criteria are required by the Minimum Licensing Standards for Child Welfare Agencies, the request must be approved by the Adoption Field Services Supervisor and then forwarded to the Adoption Field Services Manager for review. The Adoption Field Services Manager will forward the request to the Assistant Director of Community Services for approval. If approved by the Division Director, the request must be forwarded to the Manager of the Child Welfare Agency Licensing Unit (CWALU) for a decision of alternative compliance. The CWALU will make a recommendation to the Child Welfare Agency Licensing Review Board. The decision must be given in writing and filed in the case record. Alternative compliance with the standards required by the Minimum Licensing Standards for Child Welfare Agencies may be granted if the alternative form of compliance offers equal protection of the health, safety and welfare to children and meets the basic intent of the requirement for which the alternative compliance is sought.

- The Adoption Field Services Supervisor will forward a written notification to the family if the exception is not approved and will explain the internal review procedure. A copy will be forwarded to the Family Service Worker, County Supervisor, and Adoption Specialist.

The Adoption Specialist will:

- Participate in the staffing.

The County Supervisor will (if staffing supports referral for an adoptive family assessment):

- Forward the following to the Adoption Field Services Supervisor within five (5) working days of the staffing:
 - Written summary which provides the date of the staffing, names/Titles of persons participating, findings on compliance to the placement criteria and recommendation.
 - Completed “Request for Consideration to Adopt” (CFS-489) on a foster parent or kinship foster parent.
 - Completed “Home Study/Application and Attachments” (CFS-450) on a foster parent.
 - Initial family assessment/home study on a foster parent or kinship foster parent.
 - Most recent re-evaluation assessment/home study on a foster parent.
 - Most recent “Family Foster Parent Re-evaluation” (CFS-451) and all re-evaluation assessments/studies on a foster parent.

The County Supervisor will (if staffing does not support referral for an adoptive family assessment):

- Forward a copy of the written summary to the Adoption Field Services Supervisor within five (5) working days of the staffing:
 - Written summary, which provides the date of the staffing, names/Titles of persons participating, and findings on compliance to the placement criteria and recommendation.
 - Completed “Request for Consideration to Adopt” (CFS-489) on a foster parent or kinship foster parent.
 - Completed “Family Foster Home Study/Application and Attachments” (CFS-450) on a foster parent.
 - Initial family assessment/home study on a foster parent or kinship foster parent.
 - Most recent “Family Foster Parent Re-evaluation” (CFS-451) and all re-evaluation assessments/studies on a foster parent.
- Refer the foster parent, kinship foster parent, or relative to the Adoption Specialist in writing within five (5) working days of receiving written notification if the Adoption Field Services Supervisor disagrees with the recommendation and directs that an adoption home study be completed.

The Adoption Field Services Supervisor will (if the staffing does not support referral for an adoptive family assessment):

- Assess the recommendation and request any additional information.
- Notify the foster parent, kinship foster parent or relative in writing within ten (10) working days of the decision and state the reason(s) for the decision and internal review procedures.
- Send a copy of this written notification to the Family Service Worker, County Supervisor, Adoption Specialist Adoption Field Services Manager, and OCC Attorney.

- Send a memorandum to the County Supervisor within ten (10) working days with reasons this adoptive placement should be assessed if in disagreement with the recommendation.
- Send a copy of this memorandum to the Family Service Worker, Adoption Specialist, Area Manager and Adoption Field Services Manager.

POLICY (VIII-G): DEVELOPMENT OF ADOPTIVE PLACEMENT

The Division provides adoption services to recruit, retain, assess, and prepare adoptive families. The services focus on finding families for children rather than finding children for families. Assessment and preparation of prospective adoptive families are completed according to the need for homes for children. A child is assessed and prepared for adoption. The child's health and safety shall be of paramount concern in the development of the adoptive placement.

Siblings shall be placed together in the same adoptive home. Siblings may be placed separately upon written documentation by a Mental Health Professional that placement of the siblings together would be detrimental to their best interests or is otherwise not possible at the time of placement.

Before placement of a child in the home of the adoptive parent, a home study will be conducted. The home study shall address whether the adoptive home is a suitable home, and shall include a recommendation as to the approval of the petitioner as an adoptive parent.

Before placement for adoption, the Division shall compile and provide to the prospective adoptive parents a detailed, written health history and genetic and social history of the child which excludes information which would identify custodial/non-custodial parent(s) or members of a custodial/non-custodial parent(s)'s family. The information shall be set forth in a document that is separate from any document containing information identifying the custodial/non-custodial parent(s) or members of the custodial/non-custodial parent(s)'s family. The detailed, written health history and genetic and social history shall be identified as such, and shall be filed with the clerk before the entry of the adoption decree. The adoption summary shall serve as the detailed health history, genetic, and social history document. Upon order of the court for good cause shown, the clerk of the circuit court may tender to a person identified by the court a copy of the detailed, written health history and genetic and social history.

The Division provides pre-placement services to move children into adoptive families in a timely manner and post-placement services to help the family adjust. After finalization, services are available to help preserve adoptive families.

The placement of a child for adoption will not be denied or delayed when an approved family is available outside the jurisdiction responsible for handling the child's case. A fair hearing will be granted to any individual who alleges denial of adoption approval as a result of residing outside the jurisdiction responsible for placing the child.

The Juvenile Division of Circuit Court shall retain jurisdiction to issue orders of adoption, interlocutory or final, when a juvenile is placed outside the state of Arkansas.

Adoptive parents, and each member of the household age ten (10) years and older, residing in Arkansas shall be checked with the Child Maltreatment Central Registry. Adoptive parents and each member of the household age ten (10) years and older residing out of state shall provide Child Maltreatment Central Registry Checks from their state of residence.

Adoptive parents and each member of the household age fourteen (14) years and older residing in Arkansas shall be checked with the Identification Bureau of the Arkansas State Police for convictions of offenses listed in ACA 9-28-409. Adoptive parents and each member of the household age fourteen (14) years and older residing out of the state shall provide State Police Criminal Record Checks from their state of residence. Out of state adoptive families do not need to do an Arkansas State Police Check if they have never resided in Arkansas. Adoptive parents and each member of the household age sixteen (16) years and older who have not resided in Arkansas continually for the past six (6) years, shall complete a record check with the Federal Bureau of Investigation (FBI).

The Division will provide documentation in the case record that a criminal record check was conducted on the prospective adoptive parent.

A prospective adoptive parent will not be approved or licensed if, based on a criminal record check, a court of competent jurisdiction has determined that the prospective adoptive parent has been convicted of a felony involving child abuse or neglect, spousal abuse, a crime against a child or children (including pornography), or a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

A prospective adoptive parent will not be approved or licensed if, based on a criminal record check, a court of competent jurisdiction has determined that the prospective adoptive parent has, within the last five (5) years, been convicted of a felony involving physical assault, battery, or a drug-related offense.

Legal risk adoptive placements may be considered for a newborn that is being relinquished for adoption or for a child whose custodial/non-custodial parent(s) has filed an appeal to the termination of parental rights.

All records of any adoption finalized in the state of Arkansas shall be maintained for ninety-nine (99) years.

PROCEDURE (VIII-G2): Criteria for Adoption

The following criteria will be considered in determining the appropriateness of adoptive applicants:

Jurisdiction:

- DCFS will participate in the adoption of a minor only if either the person seeking to adopt the child, or the child, is currently a resident of Arkansas.

Residency Requirements for Adoption in Arkansas:

- See Procedure VIII-F1 for Arkansas residency requirements for adoption.

Age

Applicant is:

- Between the age of twenty-one (21) and fifty-five (55) years; or
- Between the age of twenty-one (21) and forty (40) years for an infant (up to one year old); and
- A primary caregiver who is at an age so that it can be anticipated that he can parent the child into adulthood.

Marital Status:

- In a two-parent home, the husband and wife shall be joint applicants, each shall actively participate in the approval process, and shall provide verification that they have been married for at least two (2) years. The marriage shall be stable.
- A person who is divorced must provide verification of that divorce and must be divorced for at least one (1) year from the date on the court order.
- A single person may apply to adopt.

General Physical and Mental Health:

- Members of the household do not have a health condition or disability that would interfere with the family's ability to parent the child. Each member of the household shall have a physical examination by a physician within six (6) months prior to the approval of the adoption **home study** on the prospective adoptive family, and annually thereafter until placement of a child.

Housing:

- Space is adequate to promote health and safety.
- All firearms are maintained in a secure, locked location.
- All water hazards and dangerous pets will be assessed, and a safety plan developed, as appropriate.
- Children of opposite sexes will have their own separate bedrooms except for infants (up to one year old).
- Water is provided by public water system or approved by the Department of Health.

Criminal Background Check:

- Members of the household fourteen (14) years of age or older must agree to a local police and a State Police background check and must have no history of convictions for offenses listed in ACA § 9-28-409. (See Procedure VIII-F1 for a listing.)
- Out-of-state adoptive families do not need to do an Arkansas State Police Check if they have never resided in Arkansas. Adoptive parents and each member of the household age fourteen (14) years and older residing out-of-state shall provide state police criminal record checks from their state of residence. A FBI check is not required if applicant has resided in the state for six (6) years or longer.
- In addition, applicants and all members of their household age sixteen (16) years or older must agree to a FBI Criminal Record Check if he has been a resident of the state for less than six (6) years.
- Any person who is found guilty of or pleads guilty to an excluded criminal offense pursuant to ACA § 901-28-409(e)(1) shall be excluded as an adoptive parent.

Central Registry Check:

- Members of the household ten (10) years of age or older must agree to a Child Maltreatment Central Registry Check in his state of residence and any state of residence in which the person has lived for the past six (6) years, and in the person's state of employment, if different. The person must have no history of true abuse and/or neglect.
- Adoptive parents and each member of the household age ten (10) years old or older, shall repeat the check every year until the adoption decree has been issued. Adoptive parents, and each member of the household age ten (10) years or older, residing out of state shall have a Child Maltreatment Central Registry Check, if available, in their state.

Resources:

- The applicant must have sufficient resources to meet the financial, medical, physical, educational, emotional and shelter needs of the child. Adoption subsidy may be a resource for a child who meets the eligibility criteria. Verification of income/employment is required.

Pre-Service Training:

- Completion of adoption pre-service training.

When **exception to the eligibility criteria** are requested, the Adoption Specialist will:

Request exception to the eligibility criteria in writing to the Adoption Field Services Supervisor. The Adoption Field Services Supervisor will make a decision and notify the Adoption Specialist in writing within five (5) working days of receiving the request. If the criteria are required by the Minimum Licensing Standards for Child Welfare Agencies, the request must be approved by the Adoption Field Services Supervisor and then forwarded to the Adoption Field Services Manager for review. The Adoption Field Services Manager will forward the request to the Assistant Director of Community Services for approval. If approved by the Division Director, the request must be forwarded to the Manager of the Child Welfare Agency Licensing Unit for a decision of alternative compliance. The CWALU will make a recommendation to the Child Welfare Agency

Licensing Review Board. The decision must be given in writing and filed in the case record. Alternative compliance with the standards required by the Minimum Licensing Standards for Child Welfare Agencies may be granted if the alternative form of compliance offers equal protection of the health, safety and welfare to children and meets the basic intent of the requirement for which the alternative compliance is sought.

- Discuss the decision with the applicant.

POLICY (VIII-H): ADOPTION SUBSIDY

The Division provides a federal (Title IV-E) or state funded adoption subsidy as a service to assist in making adoption possible for a child, who, with special needs, might not otherwise be adopted and for whom a family is not readily available. A foster child placed in an adoptive home continues status as a foster child until finalization of the adoption and the adoption subsidy is initiated.

SPECIAL NEEDS CHILD

A special needs child is defined as a child who is free for adoption and belongs to a group of children for whom the Division does not have an adequate resource of approved applicants to provide a pool of available waiting adoptive families. Other children may be eligible for adoption assistance under this category if they have severe medical or psychological needs that require ongoing rehabilitation or treatment. These children include:

- a Caucasian child nine years or older,
- a healthy child of color who is two years or older,
- or a member of a sibling group of three or more children being placed together who share at least one biological parent and who have either lived together or otherwise developed a bond prior to adoptive placement, and the child is:
 - legally free for adoption with parental rights terminated,
 - under eighteen years old and whose adoption has not been finalized prior to approval of the subsidy,
 - (for the purposes of a State Subsidy only), in DHS custody, or
 - a member of a Non-Custody/Out-of-Home Placement Services case, or
 - who is SSI eligible at the time the adoption petition is filed.

Children at high risk for the development of a serious physical, mental, developmental or emotional condition may be considered special needs if documentation of the risk is provided by a medical professional specializing in the area of the condition for which the child is considered at risk, but no subsidy payment will be made without documentation that the child has developed the actual condition. (See Procedure VIII-H1.)

Adoption subsidies can be funded through federal Title IV-E adoption assistance or state funds depending on the child's eligibility.

Adoption assistance payments may be made to parents who adopt a child with special needs. A child will not be considered special needs unless:

- The state has determined the child cannot or should not be returned to the home of his parents;
- The state has determined that a specific factor or condition exists with respect to the child (such as ethnic background, age or membership in a minority or sibling group; or the presence of factors such as medical conditions or physical, mental, or emotional disabilities) because of which it is reasonable to conclude that such a child cannot be placed for adoption without providing adoption assistance or medical assistance under Title XIX; and
- A reasonable, but unsuccessful, effort has been made to place the child without providing assistance except where it would be against the best interest of the child due to such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child.

For the purpose of this policy, "AFDC" refers to the AFDC program as in effect 7-16-1996.

ELIGIBILITY

There are four ways that a child can be eligible for Title IV-E adoption assistance:

1. The child is AFDC-eligible and meets the definition of a child with special needs.

Adoption assistance eligibility that is based on a child's AFDC eligibility is predicated on a child meeting the criteria for such both at the time of removal and in the month the adoption petition is initiated. At the time adoption proceedings were initiated the child must have been removed from the home of a specified relative as a result of a judicial determination to the effect that continuation therein would be contrary to the welfare of the child. In addition, the special needs determination must be made prior to finalization of the adoption.

2. The child is eligible for Supplemental Security Income (SSI) benefits and meets the definition of a child with special needs.

A child is eligible for adoption assistance if, at the time the adoption petition is filed, the child meets the requirements for Title XVI SSI benefits, and prior to the finalization of the adoption is determined by the state to be a child with special needs. There are no additional criteria that a child must meet to be eligible for Title IV-E adoption assistance when eligibility is based on a special needs child meeting SSI requirements. Specifically, how a child is removed from his home or whether the state has responsibility for the child's placement and care is irrelevant in this situation. The child's eligibility for SSI benefits must be established no later than at the time the adoption petition is filed.

3. The child is eligible as a child of a minor parent and meets the definition of a child with special needs.

A child is eligible for Title IV-E adoption assistance in this circumstance if:

- The child's parent is in foster care and receiving Title IV-E foster care maintenance payments that cover both the minor parent and the child at the time the adoption petition is initiated, AND
- Prior to the finalization of the adoption, the child of the minor parent is determined by the state to meet the definition of a child with special needs.

There are no other additional criteria that must be met in order for the child to be eligible for Title IV-E adoption assistance if the child's eligibility is based on his minor parent's receipt of foster care while placed with the minor parent in foster care.

As with SSI, there is no requirement that a child must have been removed from the home as a result of a judicial determination. However, if the child and minor parent have been separated in foster care prior to the time of the adoption petition, the child's eligibility for Title IV-E adoption assistance must be determined based on the child's current and individual circumstances.

4. The child is eligible due to prior Title IV-E adoption assistance eligibility and meets the definition of a child with special needs.

In the situation where a child is adopted and receives Title IV-E adoption assistance, but the adoption later dissolves or the adoptive parents die, a child may continue to be eligible for Title IV-E adoption assistance in a subsequent adoption. The only determination that must be made by the state prior to the finalization of the subsequent adoption is whether the child is a child with special needs. Need and eligibility factors must not be re-determined when such a child is subsequently adopted because the child is to be treated as though his circumstances are the same as those prior to his previous adoption. Since Title IV-E adoption assistance eligibility need not be re-established in such subsequent adoptions, the manner of a child's removal from the

adoptive home, including whether the child is voluntarily relinquished to an individual or private agency, is irrelevant.

If eligible, the Division will make adoption assistance payments to adoptive parents in amounts so determined through an adoption assistance agreement. The amount of such payment:

- Will take into account the circumstances of the adopting parents and the needs of the child being adopted;
- May be adjusted periodically with the concurrence of the adoptive parents to reflect changing circumstances; and
- May not exceed the foster care maintenance payment, which would have been paid during the period if the child with respect to whom the adoption assistance payment is made had been in a foster home.

In determining eligibility for state funded adoption assistance payments, there is an income eligibility requirement (means test) for the adoptive parents. There is no means test for determining eligibility for federal Title IV-E adoption assistance payments.

Adoption assistance payments may be terminated if it is determined that:

- The child has attained the age of 18 (or the age of 21, where the state determines that the child has a mental or physical disability which warrants the continuation of assistance), or
- The parents are no longer legally responsible for the support of the child, or
- The child is no longer receiving support from the adoptive parents.

The adoptive parents are required to inform the Division of circumstances that would make them ineligible for adoption assistance payments or eligible for adoption assistance payments in a different amount.

ADOPTION ASSISTANCE AGREEMENT

An Adoption Assistance Agreement, a written binding agreement between the adoptive parents, the Division, and other relevant agencies must be in place prior to the finalization of the adoption.

The Adoption Assistance Agreement must: (1) be signed by the adoptive parents and the Division and be in effect before adoption assistance payments are made under Title IV-E, but no later than the finalization of the adoption; (2) specify the duration of the agreement; (3) specify the amount of the adoption assistance payment (if any) and the nature and amount of any other payments, services and assistance to be provided (including non-recurring adoption expenses in agreements that became effective on or after January 1, 1987, for expenditures incurred by the parents on or after that date); (4) specify the child's eligibility for Title XIX and Title XX; (5) specify, with respect to agreements entered into on or after October 1, 1983, that the agreement remains in effect regardless of the state of residence of the adoptive parents; (6) contain provisions for the protection of the interests of the child in case the adoptive parents and child should move to another state while the agreement is in effect; and (7) for agreements entered into on or after October 1, 1983, if needed service specified in the agreement is not available in the new state of residence, the state making the original assistance payment remains financially responsible for providing the specified service(s). However, in cases of unknown medical and psychiatric conditions that surface after finalization, applications for federally funded assistance may be submitted. After the initial denial of this application occurs, in accordance with federal regulations, the adoptive family may appeal the decision.

The types of situations that would constitute grounds for an appeal include: (1) relevant facts regarding the child, the biological family or the child's background were known, but not presented to the adoptive parents

prior to the adoption's finalization; (2) Any subsidy decision which the adoptive parents deem adverse to the child; (3) erroneous determination by the Division that a child is ineligible for adoption assistance, and (4) failure by the Division to advise adoptive parents of the availability of adoption assistance. If an appeal is upheld, the child may be eligible for a federal (Title IV-E) or state subsidized adoption. The effective date of a federal (Title IV-E) retroactive subsidy payment will be the date of finalization or a date subsequent to finalization.

Authorized retroactive state funded subsidy payments will be two (2) months prior to the date the subsidy was approved.

For foster parent and kinship adoptions, it is not necessary to determine that without subsidy the child would not otherwise be adopted.

Payments for a maintenance subsidy and special services subsidy are to meet the needs of the child. In addition, payments for one-time expenses, known as a non-recurring adoption subsidy, may be obtained in order to reimburse the family for out-of-pocket pre-adoptive/finalization expenditures.

MEDICAL COVERAGE

The Division will ensure health insurance coverage for any child determined to be a child with special needs for whom there is an adoption subsidy agreement in effect. Federal Title IV-E Medicaid will be utilized to provide medical coverage for a Title IV-E eligible child. Medical coverage, for a non-Title IV-E eligible child who has a special need for medical or rehabilitative care, may be provided under the Medicaid category *Non-Title IV-E Special Needs Adoptive Child* if the child is eligible for state maintenance subsidy and meets specified Medicaid eligibility requirements. (See Medical Services Policy 6590.2 Eligibility Requirements.) If the child does not qualify for Medicaid under federal Title IV-E or Non-Title IV-E Special Needs Adoptive coverage, the family may make application for Medicaid under a different category.

Any eligible child for whom there is an adoption assistance agreement in effect is deemed to be a dependent child and is deemed to be a recipient of AFDC (per AFDC requirements in effect 7-16-1996). Any child of such eligible child will be eligible for such services.

The Division shall access resources as necessary in Arkansas, the region and nation to find adoptive families for children with special needs.

PROCEDURE (VIII-H1): Initial Application for Adoption Subsidy

The Adoption Specialist will:

- Follow the same subsidy-related policy and procedures, including subsidies for non-recurring legal expenses, regardless if the adoption is being handled in-state or out-of-state.
- Ensure close coordination with the other state's adoption worker, if applicable.
- Determine that the child has a special need in relation to adoption planning, is between the age of birth to eighteen (18) years, is in the custody of DHS (for state subsidy only), and is legally free for adoption.

NOTE: These procedures should be followed for federal IV-E adoption maintenance subsidy and state funded adoption maintenance subsidy. Determine if the child is eligible for federal IV-E adoption maintenance subsidy first. If ineligible for Title IV-E, determine if the child is eligible for state funded adoption maintenance subsidy.

- Determine that a reasonable, but unsuccessful, effort has been made to place the child without providing adoption subsidy. Such an effort might include the use of adoption exchanges, referral to appropriate specialized adoption agencies, or other such activities. **There are exceptions to this requirement when applying for a Title IV-E maintenance subsidy.** These exceptions are: (1) It would not be in the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of those parents as a foster child, (2) Another circumstance is adoption by a relative, in keeping with the statutory emphasis on the placement of children with relatives.

Exceptions for state maintenance subsidy: In the case of a child who has established significant emotional ties with prospective adoptive parents while in their care as a foster child, the Department may certify the child as eligible for a subsidy without searching for families willing to take the child without a subsidy.

- Review the adoption subsidy program with the adoptive parent, determine what type of adoption subsidies are needed, and complete all application procedures at the same time the adoption assessment is being completed for a foster parent, kinship foster parent, or relative adoption and within sixty (60) days of placement for all other adoptions
- Review and sign the "Application for Adoption Subsidy" (CFS-425) after the adoptive parent completes it.
- Request Title IV-E verification of eligibility from the DCFS Eligibility Unit.
- Assist the adoptive parents in completing the "Statement of Income and Resources for Adoption Subsidy" (CFS-426) Attach to the CFS-426 verification of family income when a state funded adoption special subsidy is requested. The CFS-426 is not required for a federal funded adoption maintenance subsidy.
- Review the adoptive parents' health insurance policy if a special subsidy is requested to determine if it will allow for any medical, dental, or psychological costs and, if so, to what extent. Document on the CFS-426.
- Be clear in their discussion with the family that they will only be screening for a determination of special needs, subsidy eligibility, and making a recommendation to the Adoption Services Unit. Under no circumstances will the Adoption Specialist give the adoptive family the subsidy determination prior to receipt of approval from the Adoption Services Unit. The Adoption Specialist must also explore

other resources and assistance that may be available for the child and adoptive family when screening for a subsidy.

- Complete the “Determination of Eligibility for Adoption Subsidy” (CFS-427).
- Attach the following to the CFS-427:
 - Verification of the costs for a private attorney to finalize an adoption whether in-state or out-of-state, if applicable.
 - Verification of court costs to finalize an adoption if applicable.
- Complete the CFS-429 (Special Adoption Subsidy Needs Assessment) to verify the child’s medical, dental, psychological, etc. condition by a professional which includes the diagnosis, prognosis, and costs of treatment for one (1) year if a special subsidy is requested.
- Statement, that lists the child’s financial resources (source and amount) other than foster care board payment, if applicable.
- Special needs subsidy based on a **“high risk”** condition - Children at high risk for the development of a serious physical, mental, developmental, or emotional condition may be considered special needs if documentation of the risk is provided by a medical professional specializing in the area of the condition for which the child is considered at risk, but no subsidy payment will be made without documentation that the child has developed the actual condition. In order to be eligible for special needs subsidy based on developmental delay, documentation must be provided, current within 6 months, attesting to the fact that the child has a delay of 24% or more in two major developmental categories.
- Verification from the appropriate agency which explains the child’s eligibility for financial benefits (SSI, other types of Social Security benefits, VA, etc.) once the adoption is finalized if applicable (provide the agency with the amount of the adoptive parent’s income in order that a statement can be prepared). Once a child has been determined eligible for a federal subsidy, the adoptive parents cannot be rejected for adoption assistance or have payments reduced without their agreement because of their income or resources or the child’s resources.
- Verification from Children’s Medical Services (CMS) which explains the child’s eligibility for services once the adoption is finalized if applicable (provide CMS with the amount of the adoptive parent’s income in order that a statement can be prepared).
- For state-funded subsidies, utilize the scale that is established and published annually by the Adoption Services Unit. The scale shall be 225% of the yearly published Federal Poverty Level for the state of Arkansas.
- The adoptive parent’s income is an eligibility criterion for state funded adoption maintenance subsidy. The adoptive parent’s income is not an eligibility criterion for a federally funded adoption maintenance subsidy (i.e., a child who is Title IV-E or SSI eligible).
- Special subsidies are state funded, and the Adoption Subsidy Coordinator, Adoption Services Unit, will consider the child’s eligibility on a case-by-case basis. The consideration will be based on the information developed during the Adoption Specialist’s determination of the child’s special needs in relation to adoption planning. The adoptive parent’s gross income will be considered as well as other financial resources and health insurance in determining eligibility for a special subsidy
- Complete the CFS-426 (Statement of Income and Resources for Adoption Subsidy) for all special subsidy requests.
- Open a new adoption case on adoptive family entering the adoptive parents and adoptive child as clients. If child was in the custody of DHS, you must retrieve the child’s eligibility, medical and characteristics screens from the closed child protective service case by entering the child’s protective

service case and client numbers in the child's General Information screen. If child was not in foster care prior to being adopted, the adoptive child's Characteristic and Medical screens must be completed to identify the special needs.

- Complete the Adoption screens: General Information screen, Affidavit of Disclosure screen, and Subsidy screen. Request for Approval on subsidy.

The Adoptive Subsidy Coordinator will:

- Assess all submitted forms and documentation, approve or deny the adoption subsidy application, and provide written notification to the Adoption Specialist of the decision within fifteen (15) working days of receiving the initial application packet from the Adoption Specialist. Contact the Adoption Specialist if additional information/forms are needed.
- Prepare the CFS-428 (Adoption Assistance Agreement) if the adoption subsidy application is approved, and route the CFS-428 to the Manager of the Adoption Services Unit and Community Support Section Administrator for approval, then send the CFS-428 to the DCFS Director or designee for signature.
- Send signed CFS-428 to the Adoption Specialist with written instructions.
- Notify the adoptive parent in writing if the application is denied and explain the reason and the internal review procedures and Administrative Fair Hearing procedures.
- Send a copy of the notification of denial to the Adoption Specialist.

NOTE ON RE-DETERMINATIONS/RE-EVALUATIONS:

TITLE IV-E RE-DETERMINATION

The federal Title IV-E adoption assistance program does not require re-determinations of a child's eligibility. Although, the Title XIX Medicaid Program and the programs that, in part, may qualify a child initially for adoption assistance, such as AFDC and SSI, require re-determinations, they are unnecessary for the purpose of maintaining a child's eligibility for Title IV-E adoption assistance. Once a child has been determined eligible and is receiving Title IV-E adoption assistance, a state may terminate the assistance only under three circumstances:

1. The child has attained the age of 18 (or if the State determines that the child has a mental or physical disability which would warrant continuation of assistance up to the 21st birthday).
2. The State determines that the adoptive parents are no longer legally responsible for support of the child.
3. The State determines that the adoptive parents are no longer providing any support to the child.
 - The Central Office Adoption Support Specialist must immediately notify the Adoption Specialist at the time the adoption subsidy is terminated. (See Procedure VIII-H7 [Termination of Adoption Subsidy].)

STATE SUBSIDY RE-EVALUATION

Re-evaluations for state adoption maintenance subsidies are not required. However, when state funded subsidies extend beyond one (1) year, or for federally funded subsidies, verification of circumstances to continue the subsidy must be documented annually. To verify a continued need for subsidy in out of state cases the child's school, therapist, physician or clergy can provide verification by submitting a letter which states that the adoptive parent(s) still has the care and responsibility for the child.

- The Central Office Adoption Support Specialist will forward a cover letter along with the CFS-431

(Certification of Adoption Subsidy Eligibility) to the adoptive parents annually. The cover letter will inform the adoptive parents that the local Adoption Specialist will contact them to schedule a visit.

- The Central Office Adoption Support Specialist will forward a copy of the cover letter to the local Adoption Specialist concurrently with notice to the adoptive parents.
- The adoptive parents will complete and submit the CFS-431 to the DCFS Adoptions Services Unit within ten (10) working days of the date of the accompanying cover letter. The Central Office Adoption Support Specialist will forward a copy of the completed CFS-431 to the Adoption Specialist for their records.
- The Adoption Specialist will have annual face-to-face contact with the child or otherwise verify that the child is still with the adoptive family and/or the adoptive family continues to maintain legal responsibility and provides support to the child. The Adoption Specialist should make the face-to-face contact a positive experience by exploring any needs for post adoption services. The Adoption Specialist should also inquire as whether the adoptive parents have added the adoptive child to their medical insurance and if so the family must complete a DCO-662 (Third Party Resource). The Adoption Specialist is responsible for submitting the completed form to the Medical Services Section of the Division of Medical Services.
- In CHRIS:
- Complete the Contact screen documenting all activities with the adoptive family.
- Print the Contact screen information and send the Adoption Support Specialist a copy of the documented contact (CHRIS screen) for the subsidy file.

PROCEDURE (VIII-H2): Subsidy Payments And Support For Non-Custody Adoptions (Out-Of-Home Placement Services, SSI Eligible Private Agency And Independent Adoptions)

ELIGIBILITY CRITERIA FOR NON-CUSTODY/OUT-OF-HOME PLACEMENT SERVICES:

If in the month of initiation for court proceedings leading to removal, the language of “contrary to the child’s welfare to remain in the home” is included in the first court order, a child not currently in DHS custody can be eligible for a federal subsidy or a state legal subsidy.

Services shall be offered to families on whom the Department has filed a dependency-neglect petition when the court has placed the child(ren) in the custody of a relative or other person. Adoption services shall be offered to families who have custody of children due to a dependency/ neglect order, if the family requests such services.

Sections 406 and 407 of the Social Security Act allow for Title IV-E subsidy eligibility, if certain criteria are met, in regards to the method of removal of a child from a home. These criteria are:

- If the child is removed from the home pursuant to a judicial determination, such determination must indicate that it was contrary to the child’s welfare to remain in the home;
- In the month the court proceedings were initiated to remove the child, the child must have been AFDC eligible in the removal home;
- The child must be AFDC eligible in the month in which the adoption proceedings were initiated;
- The state must determine that the child meets the definition of a child with special needs; and
- The adoption assistance agreement is signed prior to the finalization of the adoption.

The Adoption Specialist will:

- Accept and review referrals for non-custody adoptions.
- Forward a request to the DCFS Eligibility Unit to determine if the child is eligible for Title IV-E adoption assistance. The request consists of a cover letter indicating that this is a Non-Custody/Out-of-Home Placement Services case needing AFDC determination for the initiation of an adoption petition. The request must be submitted within the first five (5) working days of the month. The request must be mailed or faxed to the DCFS Eligibility Unit.

The request must include the following information:

- The cover letter requesting the AFDC determination.
- A completed CFS-487. The application must include everyone in the adoptive home at the time the form is signed and all the income and resources for each family member. Include the relationship of the adoptive child to everyone in the adoptive home.

The following is a list of the eligibility factors that must be satisfied for AFDC determinations. Listed for each factor is the information needed to make the determination.

Complete the CFS-487 (Application for Title IV-E Payments/Medicaid) by listing everyone in the adoptive home at the time the form is signed. This includes individuals who may be temporarily absent from the home such as individuals on vacation, away at school, etc. Provide a birth certificate or some other legal document that verifies the custodial blood relatives' relationship to the child.

1. Age Requirement.
Children must be under 18 years of age. The child's birth certificate must be submitted to verify age.
2. Citizenship or Alienage Requirement.
Eligible members must be US citizens or lawfully admitted aliens intending to permanently reside in the US. Since this will be child-only AFDC determination, the birth certificate should verify citizenship.
3. Residence Requirements.
The individual(s) must presently reside in Arkansas and intend to make it his home. No specific duration of residence is required. If the applicant has the present intention to make the state his home, his eligibility will not be affected by the fact that he intends to leave the state at some future time. Residence is not affected by temporary absence from the state.
4. Deprivation of Parental Care and Support Requirement.
Submit the Termination of Parental Rights (TPR) court order to satisfy this eligibility requirement.
5. Assignment of Rights to Support to the State.
Since there has been TPR, there is no assignment of rights as there are no custodial/non-custodial parent(s) of the child at this time.
6. Cooperation in Child Support Enforcement Activities.
Since there has been TPR, there is no cooperation requirement with OCSE as there are no custodial/non-custodial parent(s) of the child at this time.
7. Relationship Requirement and Living with Specified Relative.
TPR has not changed the relationship of the adoptive parent to the child. The relationship does not change until the adoption is finalized.

Degrees of Relationship

The child must be living with a relative who is in one of the following degrees of relationship to the child.

1st degree - Parent.

2nd degree - Grandparent, sibling.

3rd degree - Great-grandparent, uncle, aunt, nephew, niece.

4th degree - Great-great-grandparent, great-uncle, great-aunt, first cousin.

5th degree - Great-great-great-grandparent, great-great-uncle, great-great-aunt, first cousin once removed (i.e., the child of one's first cousin).

Half relationships will be considered the same as full relationships.

Step father, step mother, step brother, step sister.

Spouses of any persons named in the above groups. Such relatives may be considered within the scope of this provision though the marriage is terminated by death or divorce.

Relationship must be verified by birth certificates, baptismal records, Bureau of Vital Statistics Records, other authentic documents, or by written statement of a collateral which provides conclusive evidence that the relative is so related to the dependent child.

Persons Who Must be Included in the Standard of Need - Standard Filing Unit

The following relatives of an AFDC dependent child or a child for whom application is made must be included in the assistance unit with the child if they are living in the home with the child and are otherwise AFDC eligible:

The income and resources of these individuals must be reported and verified as part of the determination.

- The natural or adoptive parent of the child, including an unemancipated minor parent.
- All brothers and sisters of the child who are under age 18, unemancipated, and meet the deprivation of parental care or support requirement. This includes brothers and sisters of half-blood relationships but not step-brothers or step-sisters.

8. Non-Participation in a strike.

No additional documentation needed.

9. Social Security Enumeration Requirement.

Submit a copy of the child's Social Security card if available. If the card is not available ensure that the Social Security number is documented on the CFS-487.

10. Need Requirement.

In completing the CFS-487, carefully read and answer appropriately each question about the type of income and assets of the child. Since you are the authorized representative for the family's AFDC determination it is critical that these questions are answered as accurately and completely as possible.

- The DCFS Eligibility Unit will make the AFDC eligibility determination within five (5) working days of receipt of the completed application and fax the determination to the Adoption Specialist.

NOTE: If the CFS-487 is not completed, and all supporting documentation needed is not submitted in a timely manner, the eligibility determination cannot be made.

- Notify OCC immediately of the child's eligibility status. If the child is determined Title IV-E eligible OCC must file the petition for adoption in the same month of the eligibility determination. Therefore give OCC 10 working days notice to allow enough time to file the petition in the same month.
- Follow Policy and Procedure VIII-F (Foster Parent, Kinship Foster Parent and Relative Adoption) in approving the family for adoption.
- Refer the family for "Foster Pride/Adopt Pride" training. The family must complete the training prior to approval.
- For state legal subsidy: Complete the CFS-425 (Application for Special Subsidy) and specify "Use of Agency Attorney" to receive legal services from OCC for those children in a Non-Custody/Out-of-Home Placement Services case who do not meet the criteria for special needs. Children in a Non-Custody/Out-of-Home Placement Services case who do not meet the special needs criteria are eligible for "Use of Agency Attorney" to finalize an adoption.
- Document in the "Subsidy Family Profile" that the children are in a Non-Custody/Out-of-Home Placement Services case and state, "But for the child's placement with a relative or other person, the child would still be in foster care."

CRITERIA FOR SSI ELIGIBLE PRIVATE AGENCY AND INDEPENDENT ADOPTIONS

A child who is SSI eligible and is part of an independent adoption (i.e., not in the custody of a public or private agency) is eligible for a Title IV-E subsidy. Cases in which a child is subsequently adopted who received Title IV-E adoption assistance in a previous adoption that dissolved or in which that adoptive parents died are eligible for Title IV-E adoption subsidy. (See FSPP Policy VIII-H.)

The Adoption Subsidy Coordinator will:

- Accept and review referrals for independent adoption and private agency subsidy applications.
- Assess all submitted forms and documentation, approve or deny the adoption subsidy application, and provide written notification to the applicant, the person who arranged the independent adoption or the private agency representative of the decision within fifteen (15) working days of receiving the initial application packet from the Adoption Specialist. Contact the applicant, the person who arranged the independent adoption or private agency representative if additional information/forms are needed.
- Prepare the CFS-428 (Adoption Assistance Agreement) if the adoption subsidy application is approved, and route the CFS-428 to the Manager of the Adoption Services Unit and Community Support Section Administrator for approval, then send the CFS-428 to the DCFS Director or designee for signature.
- Send signed CFS-428 (Adoption Assistance Agreement) to the Applicant and Private Agency representative, if applicable, with written instructions.
- Notify the adoptive parent in writing if the application is denied and explain the reason for denial and the internal review and Administrative Fair Hearing procedures.
- In CHRIS:
 - Open a new Adoption Case on adoptive family entering the adoptive parents and adoptive child as clients.
 - Complete the adoptive child's Characteristic and Medical screens to identify the special needs.
 - Complete the Adoption screens: General Information screen, Affidavit of Disclosure screen, and Subsidy screen. Request the Approval for the adoption subsidy.

PROCEDURE (VIII-H3): Amendment to an Adoption Subsidy

The Adoption Specialist will:

- Follow the same subsidy-related policy and procedures, regardless if the adoption is being handled in-state or out-of-state.
- Ensure close coordination with the other state's adoption worker, if applicable.
- Amend a subsidy if there is documentation that an "at risk" child has developed a serious physical, mental or emotional condition.
- Determine with adoptive parent if an amendment to the existing adoption subsidy is needed. (An amendment may be requested at any time.) The adoptive family must consent to any subsidy amendment (Title IV-E only).
- Determine if there has been a material change in circumstances in the adoptive family to amend a federally funded subsidy. Material changes in circumstances include, but are not limited to, a different medical problem or a change in the type of condition of the child or a significant change in household. A state may renegotiate an adoption assistance agreement if the adoptive parents request an increase in payment due to a change in their circumstances and a higher foster care rate would have been paid on behalf of the child if the child had still been in foster care. Alternatively, a state may negotiate an adoption assistance agreement that automatically allows for adjustments to the adoption assistance payment when there is an increase in the foster care board rate.
- Determine with adoptive parent what type of adoption subsidy is needed.
- Review and sign the "Application for Adoption" (CFS-425) after the adoptive parent completes it.
- Assist the adoptive parents in completing the "Statement of Income and Resources for Adoption Subsidy" (CFS-426). **Attach verification of family income to the CFS-426 when a state funded adoption special subsidy is requested. The CFS-426 is not required for a federal adoption maintenance subsidy.** Note that an amendment for an increase of a state subsidy will not exceed the amount the child would have received for a special board rate if in foster care. The amount of any amendment will not exceed \$460.00 above the standard board rate for the child's age group. However, if the child is SSI eligible, the rate can go up \$460.00 above the SSI rate.
- Carefully review all requests for increases in payment for state funded subsidies and special subsidies. As state dollars are limited, an exploration of other resources is required and must be documented in the narrative when submitting an amendment request. The Division Director can review extraordinary circumstances at his discretion.
- Review the adoptive parent's health insurance policy if a special subsidy is requested to determine if it will allow for any medical, dental, or psychological costs and, if so, to what extent. Document the information on the CFS-426.
- Complete the "Determination of Eligibility for Adoption Assistance" (CFS-427) if a special subsidy is requested.
- Complete a narrative to address the type of subsidy needed, the source of funding, the reason for the subsidy, the costs, and recommendation.
- Send all requests, the forms, narrative, and any other documents to the Adoption Field Services

Supervisor within twenty (20) working days from the initial contact with the adoptive parent. The Adoption Field Services Supervisor must submit all requests, except for special board rate increases, to the Adoption Subsidy Coordinator within five (5) working days of receipt.

- For requests of special board rate increases, forward completed packets to the Adoption Field Services Supervisor for review and comment. Upon completion of the review, the Adoption Field Services Supervisor will forward within three (3) working days the packet to the Adoption Field Services Manager. The Adoption Field Services Manager will review and make recommendations and submit the packet to the Subsidy Coordinator within five (5) working days of receipt.
- Meet with the adoptive parent to explain an approval, to review the CFS-428 (Adoption Assistance), and to secure the adoptive parent's signature on the CFS-428 within ten (10) working days from receipt of the agreement.
- Send the Adoption Subsidy Coordinator and adoptive parent a copy of the signed CFS-428.
- Send the Adoption Subsidy Coordinator a written notification within three (3) working days from the meeting with the adoptive parent to explain a disagreement with the contents of the CFS-428.
- Meet with the adoptive parent(s) to explain a denial, review the decision, and explain internal review procedures within ten (10) working days from receipt of the written notification to deny.

In CHRIS:

- If subsidy amendment is approved, change the Subsidy Ending Date on the Adoption Subsidy screen to stop the existing adoption subsidy. Then, click Clear and enter the new amended subsidy with the new Beginning and Ending dates and the subsidy amount. Request the Approval for the amended subsidy amount.

The Adoption Subsidy Coordinator will:

- Assess all submitted forms and documentation, approve or deny the amendment and notify the Adoption Specialist of the decision within fifteen (15) working day of receiving the application packet from the Adoption Specialist.
- Contact the Adoption Specialist if additional information/forms are needed.
- Prepare the CFS-428 (Adoption Assistance Agreement) if the adoption subsidy application is approved, and route the CFS-428 to the Manager of the Adoption Services Unit and Community Support Section Administrator for approval, then send the CFS-428 to the DCFS Director or designee for signature.
- Send the completed CFS-428 to the Adoption Specialist with written instructions.
- Notify the adoptive parent in writing if the application is denied and explain the reason and the internal review and Administrative Fair Hearing procedures.
- Send a copy of the notification of denial to the Adoption Specialist.

PROCEDURE (IX-A3): Conduct of the Hearing

- The hearing is conducted by a Hearing Officer from the Appeals and Hearings Section.
- The petitioner may be accompanied by friends or other persons and may be represented by a friend, legal counsel, or other designated representative. The hearing officer may not review material prior to the hearing unless such material is made available to the petitioner or his representative.
- The hearing is conducted in an informal but orderly manner. The Hearing Officer will explain the hearing procedure. The Administrative Hearing Statement will be read by the representative who will then present the Department's case which includes introducing evidence and questioning witnesses subpoenaed to the hearing as well as cross-examining the petitioner's witnesses. After completion of DCFS' case, the petitioner's case will be presented. This includes the opportunity to present witnesses, advance arguments, offer additional evidence, question the agency representative, and confront and cross-examine witnesses.
- Questioning of all parties will be confined to the issues involved.
- In all cases, the petitioner will be advised of the right to judicial review in the event of an adverse ruling.
- The hearing officer will prepare a hearing decision based on a comprehensive report of the proceedings. The format will consist of an Introduction, Findings of Fact, Conclusions of Law, and a Decision. Final administrative action must be completed within 180 calendar days from the receipt of the appeal by the Appeals and Hearings Section provided that:
 - Delays in completing the hearing that are attributable to the petitioner shall not count against the 180-day limit.
 - Failure to complete the hearing process in a timely fashion shall not deprive the department or a court reviewing the child maltreatment determination of jurisdiction to make a final agency determination or review a final agency determination pursuant to the Administrative Procedures Act.
 - The 180-day limit shall not apply if there is an ongoing criminal investigation or criminal charges have or will be filed regarding the occurrence that is the subject of the child maltreatment report.
- In those cases, the administrative hearing shall be stayed pending final disposition of the criminal proceedings.
- It shall be the duty of the petitioner to report the final disposition of the criminal proceeding to the Department.
- Each report shall include a file-marked copy of the criminal disposition.
- The request for an administrative hearing shall be deemed waived if the petitioner fails to report the disposition of the criminal proceedings within thirty (30) days of the entry of a dispositive judgment or order.
- If the criminal proceedings have reached no final outcome within twelve (12) months of the filing of the administrative appeal, the administrative appeal will be deemed waived if the petitioner fails to provide a written statement of the status of the criminal proceedings every sixty (60) days and a disposition report within thirty (30) days of the entry of a dispositive judgment or order.
- The decision becomes final action unless appealed and subsequently overturned in a court of law.
- If a true finding of child maltreatment is overturned by Appeals and Hearings, the county which made the original determination will send out an amended "Child Maltreatment Assessment Determination Notification" (CFS-312) within 15 days, advising that the report is now unsubstantiated. These notifications will be sent to all parties who received an original notification of the true finding. Upon request by the petitioner, DCFS shall provide a list of persons who were told previously that the report was "True".
- The Family Service Worker will provide a copy of the administrative hearing order upon request by a subject of the report.

POLICY IX-D: Removal of an Offender's Name from the Central Registry

The Child Maltreatment Central Registry is established within the Department of Human Services for the collection of records of cases involving allegations of child maltreatment which are determined to be true pursuant to Arkansas Code 12-12- 512.

Records of all cases where allegations are determined to be true shall be retained by the Central Registry. If an offender is convicted of a crime, an element of which is child maltreatment as defined by Arkansas law, the offender's name shall always remain in the Central Registry. The Department shall identify the types of child maltreatment which will automatically result in the removal of the name of an offender from the Central Registry if certain conditions are met.

Names of offenders of serious child maltreatment should never be removed from the registry. These child maltreatment types are: Abuse with a Deadly Weapon, Bone Fractures, Brain Damage/Skull Fracture, Burns/Scalding, Death, Immersion, Internal Injuries, Malnutrition, Poison/Noxious Substances, Oral Sex, Sexual Exploitation, Sexual Penetration, Shaking a Child Under Age Three, Striking a Child with a Closed Fist, Subdural Hematoma, Suffocation, and Interfering with a Child's Breathing.

The Department will also identify types of child maltreatment for which an offender can petition the Department for name removal if there has not been a subsequent true report for this type for five (5) years, and more than five (5) years have lapsed since the closure of any protective services or foster care case opened as a result of this report.

PROCEDURE (IX-D1): Automatic Name Removal from Central Registry

The offender's name will be automatically removed from the Central Registry for the following types of child maltreatment, dependent upon no subsequent true report for one year, and verification that any related service case has been closed for at least one year prior to removal:

- Educational Neglect-Priority II
- Environmental Neglect – Priority II
- Inadequate Clothing- Priority II
- Inadequate Food- Priority II
- Inadequate Shelter-Priority II
- Inadequate Supervision-Children 6 yrs or older-Priority II

The County Supervisor or designee will:

- Check monthly report of Automatic Removals from the Central Registry in CHRIS.
- Send Notice of Name Removal from the Central Registry (CFS-327) to offenders identified for your county within ten (10) days of receiving the CHRIS report.
- Attach copies of the original Notice to LEA (Local Education Agency) of Child Maltreatment (CFS-311) and Child Maltreatment Assessment Determination Notification (CFS-312) to the CFS-327 and submit copies to all parties who received original notice of child maltreatment determination.

PROCEDURE (IX-D2): Name Removal from Central Registry After Five (5) Years

- If an offender has been entered into the Central Registry as an offender for the following types of child maltreatment, the offender may request that his name be removed from the Central Registry when the offender has not had a subsequent true report of this type for five (5) years and more than five (5) years have lapsed since the closure of any protective services or foster care case opened as a result of this report.
 1. Medical Neglect-Priority II
 2. Mental Injury-Priority II
 3. Medical Neglect of Disabled Infants-Priority I
 4. Munchausen Syndrome by Proxy or Illness Falsification by Proxy-Priority II (Non-Serious Injury)
 5. Sprains /Dislocations-Priority II
 6. Striking a Child Age Seven or Older on the Face or Head -Priority II
 7. Striking a Child Age Six or Younger on the Face or Head -Priority I
 8. Throwing or Kicking a Child-Priority II (Non- Serious Injury)
 9. Abandonment-Priority I
 10. Cuts, Welts, or Bruises- Priority I or II
 11. Human Bites- Priority II
 12. Inadequate Supervision- Priority II
 13. Lock-Out- Priority II
 14. Substance Misuse- Priority II
 15. Sexual Contact-Priority I (Non-Coercive Contact between two juveniles and the victim was not under the age of 10)
 16. Failure to Thrive-Priority I
 17. Pornography/Live Sex Act Exposure-Priority I
 18. Indecent Exposure-Priority I
 19. Threat of Harm-Priority I
 20. Failure to Protect-Priority I or II
 21. Shaking a Child Age Four or Older-Priority I
 22. Tying/Close Confinement – Priority II
 23. Lockout-Priority II
 24. Pinching or Striking a Child in the Genital Area - Priority II
 25. Extreme or Repeated Cruelty to a Juvenile – Priority II
- If an offender is criminally convicted of a crime, an element of which is child maltreatment, as defined by Arkansas law, the offender's name shall always remain in the Central Registry.
- Part of the request for removal must include a "clean" Arkansas Crime Information Center (ACIC) check for the preceding five years, as it relates to child maltreatment-related offenses. Evidence of rehabilitation may also be presented and considered. A committee of DCFS, CACD and OCC staff, as referenced in the

attachment will consider this request.

If the Department denies the request for removal of the name from the Central Registry, the offender may request an administrative hearing within thirty (30) days from the receipt of the Department's decision.

POLICY (X-A): HOME STUDIES AND SUPERVISION

The Division will conduct home studies or provide supervision services when ordered by the juvenile division of the circuit court. The Division will also conduct home studies for cases in which DCFS is a party of the litigation and for Interstate Compact on the Placement of Children (ICPC) cases. A court order to conduct a home study is not required for cases in which DCFS is a party to the litigation nor for ICPC cases.

The Division will not be required to conduct a court ordered home study, investigation or supervision related to private litigation cases (i.e. divorce, custody) unless the court has first determined that the responsible party is indigent, and the investigation, study or supervision is to take place within the state of Arkansas.

The following policy statements are in accordance to the Uniform Adoption Act. The Department or any licensed certified social worker shall conduct a home study before placement of a child in the home of the petitioner. Home studies on non-Arkansas residents may also be conducted by the person or agency in the same state as the person wishing to adopt as long as the person or agency is authorized under the law of that state to conduct home studies for adoptive purposes.

The Department of Human Services shall not be ordered by any court, except the juvenile division of circuit court, to conduct a home study, unless:

- The court has first determined the responsible party to be indigent; and
- The person to be studied lives in the state of Arkansas.

The home study shall be prepared and submitted in conformity with regulations promulgated pursuant to the Child Welfare Agency Licensing Act § 9-28-401 et seq., as stated in PUB-04.

Requests for home studies on adoption cases requested from other states will only be conducted through ICPC.

APPENDIX

I. GLOSSARY

ABANDONED INFANT -- A juvenile less than nine (9) months of age and whose parent, guardian or custodian left the child alone or in the possession of another person without identifying information or with an expression of intent by words, actions or omissions not to return for the infant.

ABANDONMENT-- Failure of the parent to provide reasonable support and to maintain regular contact with the juvenile. When this failure is accompanied by an intention on the part of the parent to permit the condition to continue for an indefinite period in the future, the failure to support or maintain regular contact with the juvenile without just cause or an articulated intent to forego parental responsibility. Abandonment does not include acts or omissions of a parent toward a married minor.

ABUSE -- Any of the following acts or omissions by a parent, guardian, custodian, foster parent, person eighteen years of age or older living in the home with a child whether related or unrelated to the child, or any person who is entrusted with the juvenile's care by a parent, guardian, custodian, or foster parent, including, but not limited to, an agent or employee of a public or private residential home, child care facility, public or private school, or any person legally responsible for the juvenile's welfare, but excluding the spouse of a minor:

- Extreme or repeated cruelty to a juvenile;
- Engaging in conduct creating a realistic and serious threat of death, permanent or temporary disfigurement, or impairment of any bodily organ.
- Injury to a juvenile's intellectual, emotional or psychological development as evidenced by observable and substantial impairment of the juvenile's ability to function within the juvenile's normal range of performance and behavior.
- Any history that is at variance with the history given.
- Any non-accidental physical injury.
- Any of the following intentional or knowing acts, with physical injury and without justifiable cause:
 1. Throwing, kicking, burning, biting or cutting a child.
 2. Striking a child with a closed fist.
 3. Shaking a child.
 4. Striking a child on the face or head.
- Any of the following intentional or knowing acts, with or without injury:
 1. Striking a child age six or younger on the face or head.
 2. Shaking a child age three or younger.
 3. Interfering with a child's breathing.
 4. Pinching or striking a child's genital area.

NOTE: The prior list of unreasonable actions are considered illustrative and not exclusive.

- No unreasonable action shall be construed to permit a finding of abuse without having established the elements of abuse.
- Abuse shall not include physical discipline of a child when it is reasonable and moderate and is inflicted by a parent or guardian for purposes or restraining or correcting the child.
 1. The person exercising the restraint is an employee of an agency licensed or exempted from

- licensure under the Child Welfare Agency Licensing Act;
2. The agency has policy and procedures regarding restraints;
 3. No other alternative exists to control the child except for a restraint;
 4. The child is in danger of hurting himself or others;
 5. The person exercising the restraint has been trained in properly restraining children, de-escalation, and conflict resolution techniques; and
 6. The restraint is for a reasonable period of time.
 - Reasonable and moderate physical discipline inflicted by a parent or guardian shall not include any act that is likely to cause and which does cause injury more serious than transient pain or minor temporary marks.
 - The age, size and condition of the child and the location of the injury and the frequency of recurrence of injuries shall be considered when determining whether the physical discipline is reasonable or moderate.

AGGRAVATED CIRCUMSTANCES—Aggravated circumstances exist when a child has been abandoned, chronically abused, subjected to extreme or repeated cruelty, sexually abused or a determination by a judge that there is little likelihood that services to the family will result in successful reunification; or a child has been removed from the custody of the parent or guardian and placed in foster care or in the custody of another person more than three (3) times in the last fifteen (15) months.

CARETAKER – A parent, guardian, custodian, foster parent, or any person ten (10) years of age or older who is entrusted with a child’s care by a parent, guardian, custodian, or foster parent, including, but not limited to, an agent or employee of a public or private residential home, child care facility, public or private school, or any person legally responsible for a child’s welfare.

CHILD – A person who is from birth to the age of eighteen (18).

CHILD ABUSE HOTLINE – The Child Abuse Hotline is maintained by the State Police Crimes Against Families Division, for the purpose of receiving and recording notification made pursuant to the “Child Maltreatment Reporting Act”. The Child Abuse Hotline is staffed twenty-four (24) hours per day and has statewide accessibility through a toll-free telephone number.

CHILD CARE INSTITUTION – A private child care institution, or a public child care institution which accommodates no more than 25 children, and is licensed by the State in which it is situated or has been approved by the agency of such State or tribal licensing authority (with respect to child care institutions on or near Indian reservations) responsible for licensing or approval of institutions of this type as meeting the standards established for such licensing. This definition must not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent.

CHILD MALTREATMENT -- Physical abuse, sexual abuse, emotional abuse, neglect, sexual exploitation or abandonment of a child.

CHILD MALTREATMENT INVESTIGATION -- A fact finding assessment that occurs when an allegation of child maltreatment is received. Completion is reached when a determination is made concerning the allegations.

CUSTODIAN – A person (not a parent or legal guardian) who stands in loco parentis to the child OR an agency or institution given custody of a child through a court order.

DELINQUENT JUVENILE – Any juvenile:

- Ten (10) years of age or older who has committed an act other than a traffic offense or game and fish violation, which, if the act had been committed by an adult, would subject the adult to prosecution for a felony, misdemeanor, or violation under the applicable criminal laws of this state or who has violated §5-73-119; or
- Any juvenile charged with capital murder or murder in the first degree, subject to extended juvenile jurisdiction.

DEPENDENT JUVENILES – Includes a child:

- Whose parent is under the age of eighteen (18) and is in the custody of the Department of Human Services;
- Whose parent or guardian is incarcerated and the parent or guardian has no appropriate relative or friend willing or able to provide care for the child;
- Whose parent or guardian is incapacitated, whether temporarily or permanently, such that the parent or guardian cannot provide care for the juvenile and the parent or guardian has no appropriate relative or friend willing or able to provide care for the child;
- Whose custodian parent dies and no stand-by guardian exists;
- Who is an infant relinquished to the custody of DHS for the sole purpose of adoption; or
- Who is a safe haven baby. (Safe Haven Act–2001).

DEPENDENT-NEGLECTED JUVENILE – Any juvenile who as a result of abandonment, abuse, sexual abuse, sexual exploitation, neglect or parental unfitness to the juvenile, a sibling, or another juvenile is at substantial risk of serious harm.

DEVIATE SEXUAL ACTIVITY -- Any act of sexual gratification involving:

- The penetration, however slight, of the anus or mouth of one person by the penis of another person; or
- The penetration, however slight, of the labia majora or anus of one person by any body member or foreign instrument manipulated by another person.

DOMESTIC ABUSE -- Physical harm, bodily injury, assault or the infliction of fear of imminent physical harm, bodily injury or assault between family or household members; OR any sexual conduct between family or household members, whether minors or adults, which constitutes a crime under the laws of this state. “Family or household member” means spouses, former spouses, parents and children, persons related by blood within the fourth degree of consanguinity, any child residing in the household, persons who are presently or in the past resided or cohabited together and persons who have or have had a child in common.

EXEMPTED FROM TRUE DUE TO RELIGIOUS EXEMPTION -- Determination will be entered when the parent’s decision to withhold medical treatment is based solely upon a religious belief, and the child is furnished with treatment by spiritual means alone, through prayer, in accordance with a recognized religious method of healing by an accredited practitioner. Such prohibition shall not limit the administrative or judicial authority of the State to ensure that medical services are provided to the child when the child’s health requires it.

FAMILY -- A spouse, parent, child, sibling, or a person related by consanguinity to another person.

FAMILY IN NEED OF SERVICES (FINS) – Any family whose juvenile evidences behavior which includes,

but is not limited to, the following:

- Being habitually and without justification absent from school while subject to compulsory school attendance;
- Being habitually disobedient to the reasonable and lawful commands of his parent, guardian, or custodian;
or
- Having absented himself from the juvenile's home without sufficient cause, permission, or justification.

FAMILY STRENGTHS AND NEEDS ASSESSMENT -- This is the in-depth assessment that is to be initiated whenever a report of child maltreatment or community or self referral is received. The "Family Strengths and Needs Assessment" (CFS-6009) is used to complete this assessment if a family services case is opened.

FAST TRACK -- Fast track implies that reunification services will not be provided or will be terminated before twelve (12) months of services.

FEDERAL ADOPTION SUBSIDY (IV-E) -- Payments for a child who is categorized as IV-E (TEA/TANF, SSI-AB or SSI-AD) at the time of placement for adoption by the Division and who meets other defined special needs characteristics if it has been documented that a reasonable effort has been made to place the child without the benefit of subsidy.

FORCIBLE COMPULSION -- Any act of physical force or intimidation, or any threat, express or implied, of death, physical injury, rape, sexual abuse or kidnapping of anyone committed against that person's will. The age, developmental stage and stature of the victim and the relationship of the victim to the assailant, as well as the threat of deprivation of affection, rights and privileges from the victim by the assailant, shall be considered in weighing the sufficiency of the evidence to prove compulsion.

GUARDIAN -- Any person, agency or institution so appointed by a court.

HOLISTIC -- View of the family and accompanying circumstances that take into consideration the entire family. This view includes the psychological, sociological, physical, and environmental factors which influence the functioning of the family.

HOME STUDY -- Assessment of circumstances in a specified situation involving custody, placement, or adoption.

HOMOSEXUAL -- In the context of DCFS Policy VII-A, homosexual shall mean any person who voluntarily and knowingly engages in or submits to any sexual contact involving the genitals of one person, and the mouth or anus of another person, of the same gender, and who engaged in such activity after the foster home is approved, or at a point in time that is reasonably close in time to the filing of the application to be a foster parent.

HOUSEHOLD MEMBER -- Means a person currently or formerly residing in a place of abode with another person.

ICPC -- The Interstate Compact on the Placement of Children is a legislative-enacted agreement currently entered into by all fifty states. It is used to move children in need of placement, treatment or adoption across state lines.

INACTIVE -- The child maltreatment assessment cannot be completed.

INDECENT EXPOSURE -- Exposure by a person of the person's sexual organs for the purpose of arousing or gratifying the sexual desire of the person, or of any other person under circumstances in which the person knows the conduct is likely to cause affront or alarm.

INDEPENDENCE -- (replaces the definition of long-term foster care) A permanency planning hearing

disposition for the juvenile who will not be reunited with his/her family and for whom no other permanent plan is available and:

- A compelling reason exists why termination of parental rights is not in the juvenile's best interest; or
- The juvenile is being cared for by a relative and termination of parental rights is not in the best interests of the juvenile.

JUVENILE -- A person who is between birth and age eighteen (18).

KINSHIP FOSTER PARENT -- Any relative within the first, second, or third degree of kin by blood or marriage to the parent or stepparent of a child who is related through blood or marriage and is approved to be a foster parent.

LAW ENFORCEMENT AGENCY -- Any police force or organization whose primary responsibility as established by law or ordinance is the enforcement of laws of this state and is staffed 24 hours a day.

MAINTENANCE SUBSIDY -- Established monthly payment to cover the costs of maintaining and providing for the basic needs of the child in an adoptive placement on a regular basis. The payment is not to exceed the child's foster care board rate which is in effect at the time the adoption subsidy is approved. The amount may increase in subsequent approvals depending on the child's age.

MANDATED REPORTER -- Individuals identified in the "Child Maltreatment Reporting Act" who must immediately notify the Child Abuse Hotline or law enforcement if they have reasonable cause to suspect that a child has been subjected to child maltreatment, or who observe the child being subjected to conditions or circumstances which would reasonably result in child maltreatment or that a child has died as a result of child maltreatment. These individuals include: any physician, surgeon, coroner, dentist, osteopath, resident intern, licensed nurse, medical personnel who may be engaged in admission, examination, care, or treatment of persons, teacher, school official, school counselor, social worker, Family Service Worker, foster parent, Division of Juvenile Services employees, employees working under contract for the Division of Juvenile Services, Court Appointed Special Advocate (CASA) program staff or volunteer, juvenile intake or probation officer, domestic violence shelter employees, domestic violence volunteers, domestic abuse advocate, day care center worker, or any other child care worker or foster care worker, mental health professional, peace officer, law enforcement official or clergyman. Clergyman includes a minister, a priest, rabbi, accredited Christian Science practitioner, or other similar functionary of a religious organization, or an individual reasonably believed to do so by the person consulting him, except to the extent he has acquired knowledge of suspected maltreatment through communications required to be kept confidential pursuant to the religious discipline of the relevant denomination or faith, or he received knowledge of the suspected maltreatment from the offender in the context of a statement of admission.

MEDICAL PROVIDER – Any emergency department of a hospital licensed under § 20-9-214.

NEGLECT -- Acts or omissions of a parent, guardian, custodian, foster parent, or any person who is entrusted with the juvenile's care by a parent, custodian, guardian, or foster parent, including, but not limited to, an agent or employee of a public or private residential home, child care facility, public or private school, or any person legally responsible under state law for the juvenile's welfare, but excluding the spouse of a minor and the parents of a married minor, which constitute:

- Failure or refusal to provide the necessary food, clothing, or shelter, and education required by law, or medical treatment necessary for the juvenile's well-being, except when the failure or refusal is caused primarily by the financial inability of the person legally responsible and no services for relief have been offered or rejected;
- Failure to take reasonable action to protect the juvenile from abandonment, abuse, sexual abuse, sexual exploitation, neglect, or parental unfitness where the existence of such condition was known or should have been known;

- Failure or irremediable inability to provide for the essential and necessary physical, mental, or emotional, needs of the juvenile;
- Failure to provide for the juvenile's care and maintenance, proper or necessary support, or medical, surgical, or other necessary care;
- Failure, although able, to assume responsibility for the care and custody of the juvenile or participate in a plan to assume such responsibility.

NON-RECURRING ADOPTION EXPENSE SUBSIDY -- Payment for non-recurring adoption expenses incurred in the adoption of a child with special needs and is limited to \$1,500 per child. Payment will be made to or on behalf of parents who have adopted or have accepted placement for the purpose of adoption.

ORDER OF LESS THAN CUSTODY -- A court order that DCFS may seek when there are protection issues regarding a child, but the Division does not want to seek custody.

OUT-OF-HOME PLACEMENT -- Placement in a home or facility other than placement in a juvenile services center, a detention facility, or the home of a parent or guardian of the juvenile; or placement in the home of an individual other than a parent or guardian, not including any placement where the court has ordered that the placement be made permanent and ordered that no further reunification services or six-month reviews are required.

PARENT -- Biological mother, an adoptive parent, a man to whom the biological mother was married at the time of conception or birth, or has been found by a court of competent jurisdiction to be the biological father of the juvenile.

PORNOGRAPHY -- Obscene or licentious material, including pictures, movies and videos. Applying contemporary community standards, the material will be considered pornographic if an average person would find that the material taken as a whole appeals to the prurient interest or if the material depicts in a patently offensive way sexual conduct. The material must lack serious literary, artistic, political or scientific value to be considered pornographic.

PREPONDERANCE OF THE EVIDENCE -- Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact to be proved is more probable than not.

PUTATIVE FATHER -- A man who claims or is alleged to be the biological father of a juvenile, but has not been so deemed or adjudicated by a U.S. court.

REASONABLE EFFORTS - Efforts to preserve the family, prior to the placement of a child in foster care, to prevent the need for removing the child from his home and efforts to reunify a family, made after a child is placed out of the home, to make it possible for the child to safely return home.

They also include efforts made to obtain permanency for a child who has been in an out-of-home placement for more than twelve (12) months or for fifteen (15) of the last twenty-two (22) months.

It also adds the clear and convincing standard to a finding by the court to relieve DHS from providing reasonable efforts to reunite. It further defines circuit court as a court of competent jurisdiction for purposes of determining the fast-track grounds and adds the following to the list of fast-track grounds:

- Committed a felony battery or assault that results in serious bodily injury to any child.
- Abandoned an infant.

RECEIVING PARTY -- Local agency, office, facility, or individual who will be supervising a child placed into a state under the provisions of the ICPC.

RECEIVING STATE -- State to which a child is sent for supervision under the provisions of the ICPC.

SENDING PARTY -- Local agency, office, facility, court or individual who has custody/jurisdiction of a child and has requested or arranged for an out-of-state placement the provisions of ICPC.

SEXUAL ABUSE – Any of the following acts committed:

- (A) By a person ten (10) years of age or older to a person younger than eighteen (18) years of age:
- Sexual intercourse, deviate sexual activity or sexual contact by forcible compulsion
 - Attempted sexual intercourse, deviate sexual activity or sexual contact by forcible compulsion
 - Indecent exposure or forcing the watching of pornography or live human sexual activity.
- (B) By a person eighteen (18) years of age or older to a person not his or her spouse who is younger than sixteen (16) years of age:
- Sexual intercourse, deviate sexual activity or sexual contact or solicitation or
 - Attempted sexual intercourse, deviate sexual activity or sexual contact.
- (C) By a sibling or caretaker to a person younger than eighteen (18) years of age:
- Sexual intercourse, deviate sexual activity or sexual contact or solicitation or
 - Attempted sexual intercourse, deviate sexual activity or sexual contact.
- (D) By a caretaker to a person younger than eighteen (18) years of age:
- Forcing or encouraging the watching of pornography, or
 - Forcing, permitting or encouraging the watching of live sexual activity.
- (E) By a person younger than ten (10) years of age to a person younger than eighteen (18) years of age:
- Sexual intercourse, deviate sexual activity or sexual contact by forcible compulsion
 - Attempted sexual intercourse, deviate sexual activity or sexual contact by forcible compulsion

SEXUAL CONTACT --Any act of sexual gratification involving the touching, directly or through clothing, of the sex organs, buttocks, or anus of a person or the breast of a female. Normal affectionate hugging is not construed as sexual contact.

SEXUAL EXPLOITATION -- Allowing, permitting, or encouraging participation or depiction of the juvenile in prostitution, obscene photographing, filming, or obscenely depicting a juvenile for any use or purpose.

SPECIAL NEEDS CHILD -- A child who is free for adoption and belongs to a group of children for whom the Division does not have an adequate resource of approved applicants to provide a pool of available waiting adoptive families. Other children may be eligible for adoption assistance under this category if they have severe medical or psychological needs that require ongoing rehabilitation or treatment. These children include:

- a Caucasian child nine years or older,
- a healthy child of color who is two years or older,
- or a member of a sibling group of three or more children being placed together who share at least one biological parent and who have either lived together or otherwise developed a bond prior to adoptive placement, and the child is:
 - legally free for adoption with parental rights terminated,
 - under eighteen years old and whose adoption has not been finalized prior to approval of the

subsidy,

- (for the purposes of a State Subsidy only), in DHS custody, or
- a member of a Non-Custody/Out of Home Placement Services case, or
- (For the purposes of private and independent adoptions only), who is SSI eligible at the time the adoption petition is filed.

Children at high risk for the development of a serious physical, mental, developmental or emotional condition may be considered special needs if documentation of the risk is provided by a medical professional specializing in the area of the condition for which the child is considered at risk, but no subsidy payment will be made without documentation that the child has developed the actual condition. . In order to be eligible for special needs based on developmental delay, documentation must be provided, current within 6 months, attesting to the fact that the child has a delay of 24% or more in two major developmental categories.

SPECIAL SUBSIDY -- A payment to provide for the costs of special services related to the child's needs which cannot be met by the adoptive parent. It may include, but not be limited to, legal/medical/psychological/therapy services and corrective appliances.

STATE ADOPTION SUBSIDY -- Payments for a child who is not categorized as IV-E or SSI eligible at the time of placement for adoption by the Division. Such a child, who meets other defined special needs characteristics, may be eligible for subsidized adoption from state moneys if it has been documented that a reasonable effort has been made to place the child without the benefit of an adoption subsidy. A child must be in DHS custody to be eligible for a State funded subsidy.

SUBJECT OF THE REPORT -- The alleged offender, the custodial and non-custodial parent, guardian and legal custodians of the child who are subject to suspected maltreatment, and the child who is the subject of suspected maltreatment.

SUPERVISION -- Involves periodic visitation to the home, school, or other places to monitor or observe a child's situation or condition. This service also may include arrangement and observation of visitation.

TRIAL PLACEMENT -- The custody of the child remains with DHS but the child is returned to the home of a parent for a period not to exceed thirty (30) days.

TRUE -- Determination when the allegation of child maltreatment is supported by a preponderance of the evidence.

UNSUBSTANTIATED -- Determination when the allegation of child maltreatment is not supported by a preponderance of the evidence.

V. RECORD RETENTION SCHEDULE

1. Retain all child protective services, Out-of-Home Placement Services, and supportive services for five years after the youngest child turns 21 years old. Retain all other client files for five years after the file is closed or the last case activity.
2. Retain all adoption records for 99 years.
3. Retain all rules until superseded. Superseded rules must be retained on as-needed basis.
4. Retain all records relating to a person or entity contracting with DHS for five years after the contract ends or is terminated.
5. Retain all administrative records including programmatic financial records for five years after the end of the biennium in which the records were produced.
6. Retain all information in the automated data system indefinitely to assist the Department in assessing future risk and safety.
7. Hard copy records of unsubstantiated reports are not part of the Central Registry. They will be destroyed by the investigating agency at the end of the month in which the determination is made.
8. Records of all cases where allegations are determined to be true shall be retained by the Central Registry and all hard copy records with true determinations shall be retained forever.
8. Records of all cases where allegations are determined to be unsubstantiated shall not be included in the Central Registry, per A.C.A. §12-12-505(a)(1)(B).
9. Hard copy records of unsubstantiated reports will be destroyed at the end of the month in which the determination is made.

VIII. PROTOCOL FOR FAMILY SERVICE WORKERS - Responding To Methamphetamine And Meth Lab Exposure Of Children

1. If you discover a meth lab or suspect that you have come across chemicals being used to make methamphetamine during a home visit or child maltreatment investigation, leave the house, depart the immediate area, contact law enforcement and call the Hotline to report the child maltreatment.
2. Remain away from the house until after law enforcement has responded to your call and secured the house and the people inside.
3. Advise the law enforcement officers about any children that are in the house.
4. Do not enter the house as you may risk contaminating yourself.
5. If you are called to a meth lab site by law enforcement, respond to the call, but do not enter the house.
6. Be sure to put on a pair of disposable Nitrile gloves.
7. When the child(ren) are brought out of the house, touch them only with your gloved hands. Discuss with law enforcement the children's estimated level of contamination and what degree of decontamination is needed.
8. If the law enforcement officers or other personnel at the scene have decontamination equipment, allow them to decontaminate the children. If there is no decontamination equipment on site, drape a non-contaminated material (e.g., blanket or plastic) around the child(ren) like a cape, head to foot before placing the children in any vehicle. (You will need to keep a blanket or plastic sheeting in your car for use in these cases.) Ensure that the children have something on which to rest their feet.
9. Transport the child(ren) to an appropriate medical facility previously identified in the city/county where they can be medically examined, tested for exposure and decontaminated, if still necessary. Remember that part of the reason for the medical examination is to collect evidence that the children have been exposed to methamphetamine and/or the chemicals used in a meth lab.
10. When decontamination, medical testing and medical examination have been completed, follow the appropriate DCFS policies and procedures for placing the child(ren) in out-of-home care.
11. If the children have not yet been decontaminated, be sure to advise the foster parents of the immediate need to shower or bathe the children with soap and water. Also instruct the foster parents to clean their shower or bathtub with dishwashing liquid and water afterward. Advise the foster parents to dispose of the children's contaminated clothes. Do not try to wash the clothes, as this will spread the contamination.
12. Advise the foster parents of the immediate need for some new clothes since the child(ren) were not allowed to bring anything (clothes, toys, etc.) from the meth lab sight. In accordance with the Family Foster Parent Handbook (PUB-30, page 29 Initial Clothing Order) the Family Service Worker (FSW) will assess, with the foster parent, which items of clothing are needed and issue the authorized amount of clothing allowance. Purchases will be made using the DHS-1914 process. The FSW will accompany the foster parent to the store to approve the purchase.

Crimes Against Children Division (CACD)

Child Abuse Hotline for Child Maltreatment Reports _____ Policy (II-C), Procedure (II-C1)
 County Office Assessment of Child Maltreatment Reports _____ Policy (II-E)
 Family Protection Unit Investigations of Child Maltreatment Reports _____ Procedure (II-E11)
 Operational Protocols _____ Policy (II-E)

Crisis Intervention

Referral _____ Procedure (V-E2)

Criteria for Adoption _____ Procedure (VIII-G2)

Custody

Child Maltreatment Assessment Determination _____ Procedure (II-E6)
Custodial and Noncustodial Parents _____ Policy (I-F)
 Decisions Involving Children in DHS Custody with Parental Rights Terminated _____ Procedure (VIII-D1)
 Disclosure _____ Procedure (VIII-G8)
 Disruption of Adoption Placement _____ Procedure (VIII-F6), Procedure (VIII-G10)
 Interference With Custody _____ Policy (VI-H), Procedure (VI-H1)
 Out-of-Home Placement Services Case Opening _____ Procedure (III-A2)
 Protective Custody of Child in Immediate Danger _____ Procedure (II-E10)

Day Care

Day Care for Children _____ Policy (V-D), Procedure (V-D1)
 Day for Children in Out-of-Home Placement _____ Policy (VII-F), Procedure (VII-F1)

Death of Child

Child Death Review Committee _____ Policy (IX-C), Procedure (IX-C2)
 Child Death Protocol _____ Procedure (IX-B1)
 Funeral Arrangements _____ Procedure (IX-B2)
 Guidelines for Funeral Arrangements for Children in Out-of-Home Placement _____ Procedure (IX-B2)
 Incident Intake _____ Procedure (IX-C1)
 Protocol _____ Procedure (IX-B1)
 Review Committee _____ Policy (IX-C), Procedure (IX-C2)

Death of a Foster family Member _____ Procedure (VII-A3)

Death of a Parent _____ Procedure (VIII-D7), Procedure (VIII-H7)

Death of a Sibling _____ Procedure (II-E7)

Decision(s)

Adoption decision _____ Procedure (VIII-F3)
 Appeal _____ Policy (III-A), Policy (VIII-H), Policy (IX-A), Procedures (IX-A1-2)
 Children in DHS custody with TPR _____ Policy (VIII-D0), Procedure (VIII-D1)
 Hearing Decision _____ Procedure (IX-A3)
 Placement decision _____ Policy (VI-A)
 Safety decision _____ Procedure (II-E3)
 Structured decision making process _____ Policy (II-B), Procedures II-E3 & 7)
 Withholding medical treatment _____ Procedure (II-E6), Glossary-"Exempted From True..."

Delinquent

Interstate compact on juveniles _____ Procedure (VI-G15)
 Interstate compact on the placement of children _____ Policy (VI-G)
 Non-delinquent runaways _____ Procedure (VI-G15)

Dependency-neglect

Child Maltreatment Assessment Determination _____ Procedure (II-E6)

Failure to Protect _____ Policy (II-E)

Family Preservation Services

Services to Preserve Families in Their Homes _____	Policy (V-A)
Family Strengths and Needs (Assessment) _____	Procedure (II-A1), Policy (II-B), Procedure (II-B1) Procedure (III-A1)), Policy (IV-A), Procedure (V-A1), Procedure (II-E7), Procedure (V-E2), Procedure (VIII-E1)
Family Support Fund _____	
Family Support Fund _____	Policy (V-C)
Foster Care Incidentals _____	Procedure (V-C2)
Family-Centered Meeting _____	
Case Staffings _____	Procedure (IV-B1)
Federal Adoption Subsidy (IV-E) _____	Procedure (VIII-H5)
Fees (reasonable) _____	Procedure (II-D3)
Financial Benefits _____	Procedure (VIII-D2)
Food Stamps _____	
Family Service Delivery System _____	Policy (I-B)
Foster Care _____	
Board Rate _____	Procedure (VII-E1)
Day Care _____	Procedure (V-C2), Policy (V-D), Procedure (V-D1)
Division's Organizational Structure _____	Policy (I-C)
Foster Care Incidentals _____	Procedure (V-C2)
Incidentals _____	Procedure (V-C2)
Kinship _____	Procedure (VI-A1)
Protective Custody of Child in Immediate Danger _____	Procedure (II-E10)
Foster Care/Medicaid Eligibility Unit _____	
Case Re-evaluation _____	Procedure (III-A3)
Division's Organizational Structure _____	Policy (I-C)
Foster Home _____	
Approval of Foster Home _____	Procedure (VII-A2)
Denial _____	Procedure (VII-A2)
Family Protection Unit Investigations of Child Maltreatment Reports _____	Procedure (II-E11)
Foster Parent Training _____	Procedure (VII-A1)
Out-of-Home Placement Criteria _____	Procedure (VI-A1)
Protective Custody of Child in Immediate Danger _____	Procedure (II-E10)
Re-evaluation of the Foster Home _____	Procedure (VII-A3)
Foster Parent Training _____	Procedure (VII-A1)
Foster Parents _____	
Financial Support _____	Policy (VII-E), Procedure (VII-E1)
Foster Parent Training, Approval, and Re-Evaluation _____	Policy (VII-A)
Funeral Arrangements _____	Procedure (IX-B2)
Providing Information _____	Policy (VII-B), Procedure (VII-B1)
Training _____	Policy (VII-A), Procedure (VII-A1)
Intensive Family Services _____	Policy (I-C), Policy (V-E), Procedure (V-E1)
Screening _____	Procedure (V-E1)
Inter-Country Adoptions _____	Policy (VIII-J), Procedure (VIII-J1)
Internal Review _____	Policy (IX-A), Procedure (IX-A1), Procedure (IX-A3), Procedure (IX-A4)
Administrative Hearing File _____	Procedure (IX-A4)
Hearing _____	Procedure (IX-A3)

Interstate Compact

On Placement of Children (ICPC) _____ Policy (VI-G), Procedure (VI-G1)
 On Adoption and Medical Assistance (ICAMA) _____ Procedure (VIII-H6) Policy (I-C), Policy (VI-G), Procedure (VI-G1),
 Procedure (VI-G2), Procedure (VI-G3), Procedure (VI-G4), Procedure (VI-G5),
 Procedure (VI-G6), Procedure (VI-G15)
 Entering Arkansas _____ Procedure (VI-G5)
 Exceptions _____ Procedure (VI-G14)
 Follow-up, Routing and Monitoring _____ Procedure (VI-G8)
 Home Study _____ Procedure (VI-G4), Procedure (VI-G7)
 Out of State Visits _____ Procedure (VI-G12)
 Progress Reports _____ Procedure (VI-G11)
 Progress Reports, exceptions _____ B. Attachments to the Adoption Summary
 Receiving State _____ Procedure (VI-G3)
 Sending State _____ Procedure (VI-G2)
 Subsidy _____ Procedure (VIII-H6)
 Termination _____ Procedure (VI-G13)
 Travel Procedures _____ Procedure (VI-G9)
 Visits _____ Procedure (VI-G12)

Interviews

Child maltreatment report assessment interviews _____ Procedure (II-E2)

Investigations

Criminal Child Maltreatment _____ Procedure (II-E11)
 Belonging to FPU _____ Policy (II-E)
 Pending _____ Procedure (II-D5)

Juvenile Compact _____ Procedure (VI-G15)

Law Enforcement _____ Policy (II-C), Procedure (II-E1), Procedure (II-E10), Procedure (II-E12), Procedure (II-E13)
 _____ and Policy (II-H)

Laws (listed) _____ Policy (I-B)

Legislative Analysis Research and Planning _____ Policy (I-C)

Licensing Authority _____ Policy (II-C), Procedure (II-E8)

Local Education Agency Notice _____ Procedure (II-E8)

Maltreatment (see Child Maltreatment)

Maltreatment Reports

Assessment by county office _____ Policy (II-E)
 Clearance of a report _____ Procedure (II-C3)
 Community and Self Referrals _____ Policy (II-A), Procedure (II-A1)



**ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF CHILDREN AND FAMILY SERVICES
PARENT/ATTORNEY AD LITEM
NOTIFICATION OF CHANGES IN OUT-OF-HOME
PLACEMENT**

I. NOTIFICATION TO PARENT(S) (This section is for notification to parents **ONLY** Parents are not entitled to the foster parent's address and telephone number, unless specified.)

Parent's Name _____ Child's Name _____

Address _____

This is to notify you that your child was moved to:

New Foster Home ☐

Facility ☐

On _____

Comments _____

II. NOTIFICATION TO ATTORNEY AD LITEM

Date of Notification _____

Name of Foster Family/Facility

Telephone #

Address of Foster Family/ _____
Facility _____

Specific Reasons Justifying the Change of Placement Without Advance Notice:

FSW

Supervisor



Arkansas Department Of Human Services

Division Of Children And Family Services

Notice Of Child Maltreatment Allegation

To: [Addressee](#)

From: County Office
Division of Children and Family Services (DCFS)

, Crimes Against Children Division (CACD)

Date: CHRIS Referral #

RE: NOTICE OF CHILD MALTREATMENT ALLEGATION

As required by Arkansas Code Annotated §12-12-509, we are notifying you of the receipt of an allegation of severe maltreatment or other maltreatment allegations as specified below. Arkansas Code Annotated §12-12-506 also specifies that information in the Child Maltreatment report is confidential and may be released only under certain conditions specified in Arkansas Code Annotated §12-12-506. Priority I notifications will be made within 24 hours, while Priority II notifications will be made within 72 hours.

Date of Allegation:

Parents:

Address:

Name of Child(ren)

DOB

Name of Child(ren)

DOB

[Click here to choose one:](#) _____

Address:

Phone:

Allegation:

The results of our child maltreatment assessment will be forwarded to you as soon as it is completed.

Family Service Worker or CACD Worker

INSTRUCTIONS

CFS-310

Purpose

The "Notice of Child Maltreatment Allegation (CFS-310) is designed to provide timely notification to a range of people identified in ACA §12-12-509 that an allegation of child maltreatment has been made. If the allegation is a Priority I, the CFS-310 should be sent within 24 hours. If the allegation is a Priority II, the CFS-310 should be sent within 72 hours.

Completion

In the **To:** section, click on the "Addressee" drop down box and select an addressee: Prosecuting Attorney and Law Enforcement Agency, as appropriate, the Attorney Ad Litem, Parent(s) of the alleged victim child, or the alleged offender.

In the **From:** section, insert the name of the DCFS or CACD staff sending the CFS-310.

Under **Date:** insert the date the CFS-310 is sent.

Under **CHRIS Referral #** insert the CHRIS referral number.

Under **Date of Allegation** insert the date that the allegation was originally made.

Under **Parents:** insert the name(s) of the alleged victim child's parent(s).

Under **Address:** insert the parent(s) home address.

Under **Children:** insert the name and date of birth for each alleged victim child.

Click the **Drop Box** and select "Alleged Offender" or "Underaged Juvenile Aggressor"

Under **Alleged Offender or Underaged Juvenile Aggressor:** insert the name of the person suspected of child maltreatment.

Under **Address:** and **Phone** insert the alleged offender's or underaged juvenile aggressor's address and phone number.

Under **Allegation:** insert a brief description of the suspected child maltreatment.

Under **Family Service Worker or CACD Worker** insert the signature of the staff member who is sending the CFS-310.

Routing

Send the original to the local Prosecuting Attorney, as appropriate.

Send a copy to the local Law Enforcement Agency, as appropriate.

Send a copy to the Attorney Ad Litem if the alleged victim or offender is a foster child.

Send copies to the Attorneys Ad Litem for all the other children in the foster home.

Send a copy to the alleged victim child's parent(s).

Send a copy to the alleged offender.

Retain a file copy.



Arkansas Department Of Human Services
Division of Children & Family Services
Child Maltreatment Assessment Determination Notification

CHRIS Referral #

County:

To:

From:

- ☐ Division of Children & Family Services
☐ Crimes Against Children Division (CACD)

Date:

Certified Mail #

Re:

Notice of Child Maltreatment Assessment Determination

Child(ren) Involved:

On _____, the Division of Children & Family Services, or Crimes Against Children Division, received an allegation of suspected child maltreatment involving you and/or your child or a child whose care you have been entrusted. The allegation stated that the incident occurred on or about the following date and time: ____ / ____ / ____ . This letter is to inform you of the assessment determination of suspected maltreatment using the standard of a preponderance of the evidence.

- ☐ The evidence does not support the allegation of Child Maltreatment.
- ☐ The evidence supports the allegation of Child Maltreatment and _____ was named as the offender(s). Circumstances indicate that a Protective Services case should be opened for your family.
- ☐ The evidence supports the allegation of Child Maltreatment and _____ was named as the offender(s). Circumstances do not indicate that a Protective Services case should be opened for your family.

You may obtain a copy of your report by sending a written, notarized request to Arkansas Department of Human Services, Division of Children and Family Services, Central Registry Unit, P.O. Box 1437, (Slot S566), Little Rock, Arkansas 72203-1437. The request must give your name and address and the names of the child(ren) involved. Include a \$10.00 check or money order made out to the Department of Human Services (DHS).

Per A.C.A § 12-12-506(g) the Department may disclose a true investigative determination of any offender when the offender is engaged in child-related activities or employment and the Department has determined that children under the care of the offender are at risk of maltreatment by the offender. If you have been named as the offender of a true report, your name will be placed in the Arkansas Child Maltreatment Central Registry. Your employment may be adversely effected if your name is placed in the Central Registry. If you disagree with the assessment determination and your name being placed in the Registry, you may request an administrative hearing within thirty (30) days of receipt of the restricted certified mail notification. Mail your notarized request for an administrative hearing, along with a copy of this letter, to: Appeals and Hearings Officer, Slot 1001, P. O. Box 1437, Little Rock, AR 72203, and copy your request to the Investigator named above. See the publication "*Child Protective Services: A Caretaker's Guide*" (PUB-052) for additional information, or call _____ (Family Service Worker or CACD Worker) at _____.

DCFS County Supervisor or CACD Supervisor

NOTE: Do not use this form if the notification involves an Underaged Juvenile Aggressor. Use a CFS-312B.

This information is available in different formats such as: large print, audio tape, etc. If you need another format, contact the Division's ADA Coordinator at 682-8760 or TDD 682-1442.

INSTRUCTIONS CFS-312A

CHILD MALTREATMENT ASSESSMENT DETERMINATION NOTIFICATION

Purpose: To inform the alleged victim(s) and offenders of the outcome of the Child Maltreatment Assessment. Staff from the Division of Children and Family Services and the Crimes Against Children Division (CACD) will use the CFS-312A for notification purposes. This letter is to be mailed if the Child Maltreatment Assessment is found true or unsubstantiated.

Completion: Insert the CHRIS Referral number and the county name. The form is to be addressed appropriately, the local office address added, dated, insert the certified mail number, the proper assessment determination (outcome) checked, the Family Service Worker or CACD Worker's name and phone number inserted, and signed by the supervisor.

The identified county will be responsible for preparing the investigative file and defending the determination. The county for DCFS is the county where the child lives. The county for CACD is the county of occurrence.

Routing: One (1) completed letter addressed to:

- The family of each alleged victim;
- The alleged victim, if 10 years of age or older; and
- The family of each alleged offender, if the offender is a minor (under 18) or
- The offender if 18 or over.
- The Attorney Ad Litem, if the child is in an out-of-home placement.
- The Public Defender if one is assigned.
- The Juvenile Division of Circuit Court if there is a true finding of sexual abuse perpetrated by a child under the jurisdiction of the court.

If there is a true finding of child maltreatment, the CFS-312A will be routed to the above named individuals by certified mail, restricted delivery or process server to the recipient's last known address.

Two copies of the CFS-312A will be routed to anyone listed above who has appeal rights.

Retain a file copy of each letter mailed.

Posting: Post the date the letter is mailed on the Document Tracking screen in CHRIS.



**Arkansas Department Of Human Services
Division of Children & Family Services
Child Maltreatment Assessment Determination Notification
(Underaged Juvenile Aggressor)**

CHRIS Referral #

County:

To:

From:

- ☐ Division of Children & Family Services
☐ Crimes Against Children Division (CACD)

Date:

Certified Mail #

Re:

Notice of Child Maltreatment Assessment Determination

Child(ren) Involved:

On _____, the Division of Children & Family Services, or Crimes Against Children Division, received an allegation of suspected child maltreatment involving your child. The allegation stated that the incident occurred on or about the following date and time: ____ / ____ / ____ . This letter is to inform you of the assessment determination of suspected maltreatment using the standard of a preponderance of the evidence.

- ☐ **Unfounded** (unsubstantiated): there is no preponderance of evidence that the abuse occurred.
- ☐ **Exempt from finding** (under 10 years of age): There is a preponderance of evidence that the sexual abuse occurred AND the child being assessed is less than 10 years old, _____ was named the Underaged Juvenile Aggressor. A Protective Services case should be opened for your family.
- ☐ **Exempt from finding** (under 10 years of age): There is a preponderance of evidence that the sexual abuse occurred AND the child being assessed is less than 10 years old. _____ was named the Underaged Juvenile Aggressor. A Protective Services case **does not** need to be opened for your family.

The parents of an underaged juvenile aggressor may obtain a copy of the report by sending a written, notarized request to Arkansas Department of Human Services, Division of Children and Family Services, Central Registry Unit, P.O. Box 1437, (Slot S566), Little Rock, Arkansas 72203-1437. The request must give your child's name and address and the names of the other child(ren) involved. Include a \$10.00 check or money order made out to the Department of Human Services (DHS).

Your child has been named as an underaged juvenile aggressor. His name will not be placed in the Arkansas Child Maltreatment Central Registry due to his age. See the publication "*Child Protective Services: A Caretaker's Guide*" (PUB-052) for additional information, or call _____ (Family Service Worker or CACD Worker) at _____.

DCFS County Supervisor or CACD Supervisor

NOTE: Use this form if the notification involves an Underaged Juvenile Aggressor.

This information is available in different formats such as: large print, audiotape, etc. If you need another format, contact the Division's ADA Coordinator at 682-8760 or TDD 682-1442.

**INSTRUCTIONS
CFS-312B**

**CHILD MALTREATMENT ASSESSMENT DETERMINATION NOTIFICATION
UNDERAGED JUVENILE AGGRESSOR**

Purpose: To inform the alleged victim(s) and the parents of underage juvenile aggressor(s) of the outcome of the Child Maltreatment Assessment. Staff from the Division of Children and Family Services and the Crimes Against Children Division (CACD) will use the CFS-312B for notification purposes. This letter is to be mailed if the Child Maltreatment Assessment is unfounded or exempt from finding (under 10 years of age).

Completion: Insert the CHRIS Referral number and the county name. The form is to be addressed appropriately, the local office address added, dated, insert the certified mail number, the proper assessment determination (outcome) checked, the Family Service Worker or CACD Worker's name and phone number inserted, and signed by the supervisor.

The identified county will be responsible for preparing the investigative file and defending the determination. The county for DCFS is the county where the child lives. The county for CACD is the county of occurrence.

Routing: One (1) completed letter addressed to:

- The family of each alleged victim;
- The alleged victim, if 10 years of age or older; and
- The family of each underaged juvenile aggressor
- The Attorney Ad Litem, if the child is in an out-of-home placement.
- The Public Defender if one is assigned.
- The Juvenile Division of Circuit Court if there is a true finding of sexual abuse perpetrated by a child under the jurisdiction of the court.

If there is a "exempt from finding" determination, the CFS-312B will be routed to the above named individuals by certified mail, restricted delivery or process server to the recipient's last known address.

Two copies of the CFS-312B will be routed to anyone listed above who has appeal rights.

Retain a file copy of each letter mailed.

Posting: Post the date the letter is mailed on the Document Tracking screen in CHRIS.

Arkansas Department of Human Services
Division of Children and Family Services
Adoption Assistance Agreement
For State Funded Subsidy Payments

Adoptive Parent(s)' Name _____

Adoptive parent(s)'s Address _____

I (we), adoptive parents of _____
Child's Full Adoptive Name Social Security Number Date of Birth

This Agreement will be effective **UPON FINALIZATION** and remain in effect until the child's eighteenth (18th) birthday, or unless termination of the Agreement occurs as a result of one or more of the conditions set forth in Item #5 below.

Date of Finalization

☐ Amended Agreement: This is an amendment of the Adoption Assistance Agreement for the child adopted on _____.
(Date)

This Agreement will be effective _____ and remain in effect until _____.

1. Monthly Maintenance Subsidy

Monthly Payments of \$ _____ for _____ months

\$ _____ for _____ months

Sub-Total \$ _____

2. Special Subsidy (specify) _____

Sub-Total \$ _____ TOTALS \$ _____

3. This subsidy is based on an evaluation of my (our) current financial status as declared by me (us) to the Division of Children and Family Services.
4. I (we) agree to provide the Division of Children and Family Services with statements of my (our) finances, my (our) circumstances, and the child's circumstances: (a) annually; (b) upon request; and (c) in the event of significant changes.
5. The Division of Children and Family Services will evaluate statements and other information to determine whether the amount of the subsidy should be maintained, reduced, or discontinued (automatic increases due to child's age). The amount of the subsidy will be readjusted periodically with my (our) concurrence. A subsidy may be continued as long as the terms of the Agreement specify and eligibility exists under the current rules and regulations for subsidized adoptions.
- A subsidy will be discontinued when:**
- (a) the child ceases to be eligible;
 - (b) the child reaches the age of eighteen (18); or
 - (c) the subsidy benefits are provided by other state or federal programs;
 - (d) This Agreement will terminate upon the child's death.
 - (e) This Agreement will terminate upon the death of the adoptive parent(s) of the child (one in a single parent family and both in a two-parent family).
 - (f) This Agreement will terminate at the cessation of legal responsibility of the adoptive parent(s) for the child.
 - (g) This Agreement will terminate if the Division determines that the child is no longer receiving support from the adoptive parent(s).
6. If I (we) plan to move to another state, I (we) will notify the Division of Children and Family Services in Arkansas at least ten (10) days prior to the move.
7. Maintenance and special subsidies as outlined in this Agreement will be payable without regard for my (our) new state of residence.
8. If my (our) child is eligible to receive a Medicaid card, I (we) understand that it will be necessary to follow the

appropriate procedures as determined by Arkansas or my (our) new resident state in order for Medicaid eligibility to continue.

9. This Agreement is for the benefit of the subject child, his or her parents and the State of Arkansas and is enforceable by any and all of these parties.
10. Adoptive parents may appeal the Division's decision to reduce, change or terminate adoption assistance in accordance with the state's hearing and appeal process.
11. For **special subsidies**, this Agreement will be in effect for no longer than twelve (12) months. If a modification should occur sooner, a new Agreement will be entered.

SUBSIDY NOTE:

Children at high risk for the development of a serious physical, mental, developmental or emotional condition may be considered special needs if documentation of the risk is provided by a medical professional specializing in the area of the condition for which the child is considered at risk, but no subsidy payment will be made without documentation that the child has developed the actual condition. . In order to be eligible for special needs based on developmental delay, documentation must be provided, current within 6 months, attesting to the fact that the child has a delay of 24% or more in two major developmental categories.

12. Certification of Adoption Subsidy Eligibility

Re-evaluations for state adoption maintenance subsidies are not required. However, when state funded subsidies extend beyond one (1) year, verification of circumstances to continue the subsidy must be documented annually. The Adoption Specialist will have annual face-to-face contact with the child or otherwise verify that the child is still with the adoptive family. To verify a continued need for subsidy in out-of-state cases the child's school, therapist, physician or clergy can provide verification by submitting a letter which states that the adoptive parent(s) still has the care and responsibility for the child.

I (we) agree to complete and submit, annually, the CFS-431 (Notarized Statement on Eligibility for State Subsidy) to the DCFS Adoption Services Unit within ten (10) days of receiving notification from the Adoption Specialist.

By: _____	_____
Director, Division of Children and Family Services	Date
_____	_____
Adoptive Mother's Signature	Date
_____	_____
Adoptive Father's Signature	Date

Signed copy of the Adoption Assistance Agreement given/sent to the Adoptive parent(s) on _____
Date

**Arkansas Department of Human Services
Division of Children and Family Services
ADOPTION ASSISTANCE AGREEMENT
FOR FEDERAL IV-E FUNDED ASSISTANCE**

The following Agreement has been entered into by and between:

Arkansas Department of Human Services, Division of Children and Family Services, P.O. Box 1437, Little Rock, Arkansas 72203

Adoptive/Adopting Parent(s)' Full Name(s)]

(Address)

(Telephone #)

hereafter called the "adoptive parent(s)," for the purpose of facilitating the legal adoption of

(Child's Full Adoptive Name

Social Security Number

Date of Birth

and to aid the adoptive family in providing proper care for this child, hereafter referred to as "the child" in this Agreement.

This document is the:

- ☐ **Initial Agreement:** The prospective adoptive parent(s) agrees that he/she intends to adopt the child and has signed this document prior to finalization of the adoption for the purposes of receiving adoption assistance payments and/or services for the child under Titles XIX and XX from the time of placement.

This Agreement will be effective **UPON FINALIZATION** and remain in effect until the child's eighteenth (18th) birthday, or unless termination of the Agreement occurs as a result of one or more conditions set forth in Section IV (Termination) of this Agreement.

(Date of Finalization)

- ☐ **Amended Agreement:** This is an amendment of the Adoption Assistance Agreement for the child adopted on _____
(Date)

This Agreement will be effective _____ and remain in effect until _____.

PROVISIONS OF AGREEMENT

I. Assistance

A. Monthly Cash Payment: Yes ____ No ____

\$ _____ for _____ months and \$ _____ for _____ months

Yearly Total \$ _____

The amount of this monthly cash payment (adoption assistance) is based on the needs of the child and the circumstances of the adoptive parent(s) and has been determined by mutual Agreement between the adoptive parent(s) and the Division. The amount of the payment can not exceed the foster care maintenance payment for the child if he/she were in a foster family home in the State of Arkansas. Adjustments in cash assistance payment may be made with the concurrence of the adoptive parent(s) based upon changes in the needs of the child, changes in the circumstances of the adoptive family, or changes in the maximum allowable adoption assistance payment. Documentation of changes in the child's needs or family's circumstances may be required.

Subsidy Note:

Children at high risk for the development of a serious physical, mental, or emotional condition may be considered special needs if documentation of the risk is provided by a medical professional specializing in the area of the condition for which the child is considered at risk, but no subsidy payment will be made without documentation that the child has developed the actual condition.

B. Medical Care

1. Medical benefits as provided under Title XIX of the Social Security Act (Medicaid) will be available to the child in accordance with the procedure of the State in which the child resides.
2. Medical payments will be provided by the State of Arkansas for _____

if not provided by Title XIX, regardless of the State in which the child lives.

Total cost of treatment \$_____

3. Procedures for meeting cost of medical care, including consideration of family's health insurance [Arkansas Act 99 of 1987 requires insurers to cover adoptive children from the date of the filing of the petition if the petition is filed within 60 days of the child's birth].
-
-

C. Social Services

1. Social Services as provided under Title XX of the Social Security Act will be available to the child in accordance with the procedures of the State in which the child resides.
2. Social Services will be provided by the State of Arkansas, if not provided by Title XX, regardless of the State in which the child resides.
3. How to access Title XX services:

Contact your local Department of Human Services county office.

D. Procedures to be followed when moving from the State of Arkansas.

Adoptive parents must follow these procedures in order to receive adoption assistance medical care and social services when moving to or living in a state other than Arkansas. (Arkansas is a member of the Interstate Compact on Adoption and Medical Assistance.)

Medical Care

1. At least ten (10) days prior to the planned move the adoptive family should contact their Adoption Specialist.
2. Upon arrival in the new resident state contact the local state Medicaid office to surrender the Medicaid card issued by the State of Arkansas and make application for Medicaid in the new resident state. Take a copy of this Agreement with you.

Social Services

1. Contact the state agency responsible for the provision of social services in your new resident state. Take a copy of this Agreement with you.

II. Notification of Change

- A. The adoptive parent(s) will notify the Division, in writing, within five (5) days if parent(s) is no longer legally responsible for the support of the child or is no longer supporting the child. A written statement is required.
- B. The amount of the subsidy may be adjusted automatically due to increases in age of the child. These are system-generated adjustments and no notice will be sent.
- C. Adoptive parent(s) will notify the Division of changes of address at least ten (10) days prior to the move.

III. Certification of Adoption Subsidy Eligibility

For federally funded subsidies, verification of circumstances to continue the subsidy must be documented annually. The Adoption Specialist will have annual face-to-face contact with the child or otherwise verify that the child is still with the adoptive family. To verify a continued need for subsidy in out of state cases the child's school, therapist, physician or clergy can provide verification by submitting a letter which states that the adoptive parent(s) still has the care and responsibility for the child.

I (we) agree to complete and submit, annually, the CFS-431 (Notarized Statement on Eligibility for State Subsidy) to the Adoption Services Unit within ten (10) working days of notification by the Adoption Specialist.

IV. Termination-

Termination will occur in any of the following circumstances:

- A. This Agreement will terminate upon the conclusion of the terms of this Agreement.
- B. This Agreement will terminate upon the adoptive parent(s)' request.
- C. Adoption assistance payments will terminate when the child reaches the age of 18. Adoption assistance may be provided until the child is 21 years of age if the child has a mental or physical handicap, which warrants continuation.
- D. This Agreement will terminate upon the child's death. (The adoptive parent must notify the Division if a change occurs.)
- E. This Agreement will terminate upon the death of the adoptive parent(s) of the child (one in a single parent family and both in a two-parent family). (The adoptive parent must notify the Division if a change occurs.)
- F. This Agreement will terminate at the cessation of legal responsibility of the adoptive parent(s) for the child. (The adoptive parent must notify the Division if a change occurs.)
- G. This Agreement will terminate if the Division determines that the child is no longer receiving support from the adoptive parent(s). (The adoptive parent must notify the Division if a change occurs.)

V. **Appeal-**

Adoptive parent(s) may appeal the Division's decision to reduce, change or terminate adoption assistance in accordance with rules and procedures of the State's hearing and appeal process. Information may be requested from the **Department of Human Services, Division of Children and Family Services, Adoption Services Unit, P.O. Box 1437, Little Rock, Arkansas, 72203-1437**.

This Agreement shall remain in effect regardless of the State in which the adoptive parent(s) are residents at any given time.

This Agreement will expire on the child's 18th birthday unless termination occurs as a result of one or more of the conditions set forth in Section IV, Termination.

Effective date for Titles XIX and XX: **UPON FINALIZATION**

Director's Signature
Division of Children and Family Services

Date

Adoptive Mother's Signature

Date

Adoptive Father's Signature

Date

Signed copy of the Adoption Assistance Agreement given/sent to adoptive parent(s) on _____
Date



**Arkansas Department of Human Services
Division of Children and Family Services
Relative Placement Kinship Care/Relative Foster Care Verification**

I. A representative from Children and Family Services has discussed Relative Placement Kinship Care and Relative Foster Care with me. I am aware that I can become a Relative Foster Parent to receive help to provide for the relative children I plan to have placed in my home. I understand that I must meet all of the licensing requirements and standards as a regular foster home.

I am aware that with Relative Foster Care there is a board payment for each child placed in my home. However, with Relative Foster Care, custody must remain with the DHS, and the child(ren), although placed in my home are still in foster care.

I understand that if I choose not to become a Relative Foster Parent and I receive custody of the children I am financially responsible for the children. I understand that I will not receive any financial assistance, including board payments, from the Department, except for financial assistance for which I have applied and for which I qualify for pursuant to the program guidelines, such as the Transitional Employment Assistance Program, Food Stamps, Medicaid, and federal adoption subsidy.

I fully understand that once I receive custody of the child(ren) and choose not to be become a Relative Foster Parent, the Department can not go back and provide relative foster care services.

Relative Signature/Date

Relative Signature/Date

II. I choose to become a Relative Foster Parent.

Relative Signature/Date

Relative Signature/Date

III. I choose NOT to become a Relative Foster Parent.

Relative Signature/Date

Relative Signature/Date

IV. I also understand that by accepting custody of my relative child(ren), I agree to participate in the permanency activities developed in the child(ren)'s protective services kinship care case plan until the goal of the case is implemented.

Relative Signature/Date

Relative Signature/Date

Family Service Worker/Supervisor

Date

CFS-452 INSTRUCTIONS

PURPOSE

The CFS-452 is used to document which placement option is chosen by the relative and to verify that the relative has information concerning Relative Foster Care and relative custody.

COMPLETION

Complete this form to ensure that the family has an understanding of their role in the case.

If the relative meets all relevant child protection standards and it is in the child's best interest to be placed with the relative caregiver, discuss with the relative the following two options for placement of the child in the relative's home:

The relative becoming a DHS relative foster home; or

The relative obtaining legal custody of the child.

- Section I: The relative(s) must sign section one to document acknowledgement that all options were discussed with them.
- Section II: Must be signed by the relative(s), if they choose to become a foster parent.
- Section III: Must be signed by the relative(s), if they choose not to become a relative foster parent.
- Section IV: Must be signed by the relative(s), if they choose to accept custody of the child and not become a foster parent. Must be signed and dated by the Family Service Worker, or Supervisor, as witness to the relative's signature.

ROUTING

1. A copy is given to the relative family.
2. A copy is filed in the child's record.
3. Document the date completed and document the Tracking Screen in CHRIS.

Family Name:

CHRIS Case Number:

ARKANSAS DEPARTMENT OF HUMAN SERVICES

PERMANENCY PLANNING COURT REPORT

I. GENERAL INFORMATION

Docket #: Hearing Type: Hearing Date:
County of Jurisdiction: Judge's Name:

Family Service Workers Involved:

Worker Name	County	Date of Case Assignment

II. CHILD(REN)

Name	Date of Birth	Date Entered Foster Care	Total Amount of Time in Foster Care

III. PARENT(S)/LEGAL CUSTODIAN(S)

Name	Address

Who is the father of the client and location of his whereabouts? What is his legal status as to the client? If known, what attempts have been made to determine the name and whereabouts of the father?

IV. PLACEMENT HISTORY

Child's Name	Placement Name	Placement Type	Location

V. DHS RECOMMENDATIONS

[☐] RETURN HOME

Services Needed to Maintain the Child in the Home

Services to be Provided	Parent/Child Name	Time Frames to Provide These Services

☐ **ADOPTION**

ESTIMATED DATE OF FINALIZATION:

Child's Name	Barriers to Adoption	Parental Rights Terminated?	Steps Taken for Termination	Actions Taken to Place Child for Adoption (Include Adoptive Homes and Agencies Contacted)

☐ **Guardianship**

Recommendation	Role & Responsibility of Parents	Estimated Date of Completion

☐ **Permanent Custody**

Recommendation	Role & Responsibility of Parents	Estimated Date of Completion

☐ **Independent Living**

Recommendation	Role & Responsibility of Parents	Estimated Date of Completion

VI. SIBLING INFORMATION/RELATIVE VISITATION

Are there any siblings?
Location of Siblings
Reason For Separation Of Siblings
Is sibling visitation appropriate? <input type="checkbox"/> Yes <input type="checkbox"/> No
If so, what efforts will be made to enable the siblings to maintain regular contact?
Is reunification of siblings a possibility? <input type="checkbox"/> Yes <input type="checkbox"/> No
Is there a recommendation for continued visitation with siblings and other relatives after TPR, if it is in the child's best interest? <input type="checkbox"/> Yes <input type="checkbox"/> No

VII. SUMMARY OF COMPLIANCE

Parent's/Guardian's Compliance With Case Plan And Court Orders

--	--

Child(ren)'s Compliance With Case Plan And Court Orders

--

All Other Parties Compliance With Case Plan And Court Orders

Services And Assistance Provided To The Family Members To Assist In Compliance

[illegible]

VIII. RECOMMENDED SERVICES FOR PERMANENCY OF CHILD(REN)

Child's Name	Service	Begin Date

IX. SIGNATURES

*Family Service Worker's
Signature*

Date

Supervisor's Signature

Date

Date Submitted to Attorney

Permanency Hearing Court Report Instructions

Twelve months after the date the Juvenile enters an out-of-home placement, or earlier if ordered by the court the court shall hold a permanency planning hearing. A permanency planning court report (CFS 6024) is to be completed before the scheduled permanency hearing. One CFS 6024 will be completed for all children of a sibling group for whom a permanency planning hearing is scheduled. The CFS 6024 shall be submitted to CASA, OCC, and all parties no later than seven (7) days before the scheduled permanency planning hearing.

PART I

Docket #: Identify docket number assigned by the court.

Hearing Type: Permanency Planning Hearing.

Hearing Date: The date of specific court hearing.

County of Jurisdiction: County in which the court hearing is held.

Judge's Name: Name of presiding judge to review permanency planning hearing.

Family Service Workers Involved: Identify all Family Service Workers involved with the case beginning with the current worker.

PART II

Child(ren): Identify the name, date of birth, most recent date of entry into foster care, and total amount of time in foster care of all children involved.

PART III

Parent(s)/Legal Custodian(s): List the names, addresses, and relationship of parents and legal custodians

Develop a brief narrative identifying information on father's whereabouts.

PART IV

Placement(s) History: Identify child's name and placement name, type and location starting with the current placement.

PART V

DHS Recommendations: The worker will check the appropriate recommendation based upon the facts of the case. The recommendation regarding the permanency plan must be justified by the narrative within the CFS 6024.

If "Return Home" is checked a summary of the steps necessary to make the return possible and the reunification services needed to minimize any danger when the child returns must be included.

If "Adoption" is checked include a discussion of the steps necessary to terminate parental rights and placing the child for adoption and the Estimated date of finalization.

If the recommendation does not include return home or adoption a discussion of a permanent placement such as guardianship, permanent custody, independent living or a specific foster family including a timetable, recommendations concerning the terms of the permanent placement and the rights and responsibilities of the parents.

PART VI

Sibling Information/Relative Visitation: Identify the existence and location of all siblings. Indicate whether siblings are separated and provide a statement of the reason(s) for the

separation. If it is appropriate to reunite the siblings, describe the efforts made or that will be made to reunite these siblings as soon as possible to maintain regular contact.

If visitation was established prior to TPR between siblings and/or with relatives a recommendation for visitation after TPR will continue, if it is in the child's best interest, until an adoption placement is made or the out-of-home placement case is closed.

PART VII

Summary of Compliance: Discuss objectives of the Family-Centered Services Case Plan (CFS 6010) and requirements of court orders for the parents, children and DCFS or contracted provider and state the degree to which each has complied with these requirements and how they have complied. Also describe the services and assistance provided by DHS to the parties.

PART VIII

Recommended Services for Permanency of Child(ren): Discuss recommendations to meet the current physical and psychological needs of the child and include any recommendations of professionals. Other specific recommendations (e.g., counseling, child support, parent education, etc.) may be included.

Continuation of visits between the child and their siblings or relatives if it is in the child's best interest.

PART IX

Signatures: Worker and Supervisors signatures must be obtained. Document date report submitted to Attorney .

ROUTING

One copy submitted to the Court Appointed Special Advocate (CASA), if one has been appointed, the parties and OCC no later than seven (7) business days before the scheduled permanency planning hearing. DHS will present the report to the court at the scheduled hearing, subject to evidentiary objections.

What is Child Maltreatment?

Child maltreatment means abuse, neglect, and abandonment of a child by the caretaker (a parent, guardian, custodian, or foster parent). The caretaker may be anyone who is 10 years of age or older and entrusted with the care of the child. Child maltreatment occurs when the caretaker harms the child or lets harm come to the child, or fails to meet the child's basic needs. Child maltreatment also includes sexual abuse and exploitation of a child whether by a caretaker or by another person.

Who Reports Child Maltreatment?

Anyone who suspects child maltreatment may make a report. Some people (for example, doctors, teachers and school counselors) must, by law, report suspected child maltreatment.

What Happens When There is a Report of Child Maltreatment?

When the Child Abuse Hotline accepts a report of suspected child maltreatment, Arkansas law says that the Division of Children and Family Services (DCFS) or the Arkansas State Police Crimes Against Children Division (CACD) will investigate the report.

What Happens if the Report is True?

DCFS will work with you to make sure that children in your care are protected and their basic needs met. If you do not protect the children in your care, court action may be taken. Per A.C.A. §12-12-505-506, if there is a true finding of child maltreatment and you are listed as the offender, your name will be added to the DCFS Central Registry. Under certain situations, your name can be removed from the Central Registry. Please contact your local DCFS County Office for more information. If there is a true finding of sexual abuse, but the offender is under 10 years old (Underaged Juvenile Aggressor), his name will not be added to the Central Registry.

What if the Report is Unsubstantiated (not True)?

If you are the subject* of a report, you may request a copy of the report. See "Obtaining a Copy of the Report" below. Hard copy records of unsubstantiated reports are destroyed at the end of the month in which the determination is made. Therefore, requests for unsubstantiated reports must be made before the record is destroyed if a complete copy of the record is wanted. Information contained in the automated database will continue to be available to authorized recipients even after the hard copy is destroyed. The Division will not release any information regarding a pending child maltreatment report to you. If requested, DCFS can tell the court and the prosecuting attorney about the report.

How Can I Find out What DCFS Learned?

DCFS will tell you in writing. You will not be told who made the report. If you have been named as an offender in a true report, and you do not agree with the finding, you have 30 days from the date you are handed the written notice, or the date it was mailed, to ask for a hearing to appeal the finding.

Obtaining a Copy of the Report

If you are the subject* of the report, send a written, notarized request to get a copy of your report. The written request must give your name and address and the name of the child(ren) involved.

If you are a parent requesting a copy of a child maltreatment report on your child(ren), and you are **NOT** a subject* of the report, your request must include a statement attesting to your legal relationship to the child(ren).

The request for a copy of a report must be accompanied by a check or money order made payable to the Department of Human Services (DHS) in the amount of ten dollars (\$10.00).

***A subject of the report includes the offender, the victim child and the victim child's parents (custodial and non-custodial), guardians or legal custodians.**

Where do I Send the Request?

You should send the written, notarized request to:

**Arkansas Department of Human Services
Division of Children and Family Services
Central Registry Unit
P.O. Box 1437, (Slot S566)
Little Rock, Arkansas 72203-1437**

If I Have More Questions, Where Can I Get the Answers?

Call your own attorney or Legal Services in your community, if you have any legal questions.

Call your Family Service Worker or Licensing Specialist, if you have questions about available services.

Family Service Worker

Phone

Licensing Specialist

Phone

This information is available in different formats such as: large print, audio tape, etc. If you need another format, contact the Division's ADA Coordinator at 682-8760 or TDD 682-1442.

PUB-052 (R.06/2004)

Child Protective Services: A Caretaker's Guide

**ARKANSAS DEPARTMENT of
HUMAN SERVICES**

Division of Children and Family Services

ARKANSAS DEPARTMENT OF HUMAN SERVICES

DIVISION OF CHILDREN AND FAMILY SERVICES

Child Maltreatment Assessment Protocol



INTRODUCTION:

The following is a protocol to be used when a DCFS Family Service Worker (FSW) or the Arkansas State Police Crimes Against Children Division (CACD) conducts a Child Maltreatment Assessment. The protocol was developed under the authority of ACA 12-12-502(a), which authorizes the director to promulgate regulations to carry out the Child Maltreatment Act. It identifies and defines the various types of child maltreatment a FSW/CACD may encounter during an assessment. The protocol also identifies when and from whom an allegation of child maltreatment may be taken. Finally, it identifies those conditions, which must be met before an allegation of abuse or neglect can be founded (determined to be true). Please note that the level of evidence necessary to found an allegation of child maltreatment changed as a result of legislation in 1999. Previously, a FSW only needed “some credible evidence” that maltreatment occurred. Now, the FSW/CACD must show that a “preponderance of the evidence” supports the allegation of child maltreatment. This is a higher standard of evidence and should be understood to mean it is “more likely than not” that abuse or neglect occurred.

The Arkansas Child Maltreatment Hotline must accept reports of alleged maltreatment if the child or the child’s family is present in Arkansas OR the incident occurred in Arkansas. If the child or its family live in another state, the Hotline shall: (1) screen out the report, (2) transfer the report to the other state’s hotline and (3) send a copy to the appropriate investigating agency to initiate courtesy interviews. If the incident occurred in Arkansas, but the victim, parents or offender no longer reside in Arkansas the Hotline will accept the report and the Arkansas investigating agency will contact the other state to request a courtesy interview with the out-of-state subject of the report.

The Division of Children and Family Services, like law enforcement agencies, has the authority to access a child’s public and private school records during a child maltreatment investigation.

An investigative determination will be made within 30 days regardless of which Arkansas agency (DHS/DCFS, CACD or any other law enforcement agency) conducts the child maltreatment investigation.

Arkansas Code Annotated 12-12-509 “Investigation – Examination of Children” requires that all allegations of Severe Child Maltreatment be initiated within twenty-four (24) hours of the child maltreatment report. All other investigations will begin within seventy-two (72) hours of receiving a report. This protocol identifies characteristics of severe child maltreatment as a priority I and all other child maltreatment as a priority II.

The Health and Safety Assessment located in CHRIS will be utilized in conjunction with this protocol in completing child maltreatment assessments. See FSPP Procedure (II-E3).

CHILD MALTREATMENT ASSESSMENT PROTOCOL

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CHILD MALTREATMENT ASSESSMENT PROTOCOL

DEFINITIONS

I. GENERAL :

A. ABUSE - Any of the following acts or omissions by a parent, guardian, custodian, foster parent, person eighteen (18) years of age or older living in the home with a child whether related or unrelated to the child, or any person who is entrusted with the juvenile's care by a parent, guardian, custodian, or foster parent, including, but not limited to, an agent or employee of a public or private residential home, child care facility, public or private school, or any person legally responsible for the juvenile's welfare but excluding the spouse of a minor:

- Extreme or repeated cruelty to a juvenile;
- Engaging in conduct creating a realistic and serious threat of death, permanent or temporary disfigurement, or impairment of any bodily organ.
- Injury to a juvenile's intellectual, emotional or psychological development as evidenced by observable and substantial impairment of the juvenile's ability to function within the juvenile's normal range of performance and behavior.
- Any history that is at variance with the history given.
- Any non-accidental physical injury.
- Any of the following intentional or knowing acts, with physical injury and without justifiable cause:
 1. Throwing, kicking, burning, biting or cutting a child;
 2. Striking a child with a closed fist;
 3. Shaking a child; or
 4. Striking a child age seven or older on the face or head.
- Any of the following intentional or knowing acts, with or without injury:
 1. Striking a child age six or younger on the face or head;
 2. Shaking a child age three or younger;
 3. Interfering with a child's breathing;
 4. Pinching or striking a child in the genital area.

NOTE: The prior list of unreasonable actions is considered illustrative and not exclusive.

- No unreasonable action shall be construed to permit a finding of abuse without having established the elements of abuse.

DEFINITIONS

- “Abuse” shall not include physical discipline of a child when it is reasonable and moderate and is inflicted by a parent or guardian for purposes of restraining or correcting the child.
 - Abuse shall not include when a child suffers transient pain or minor temporary marks as the result of a reasonable restraint if:
 1. The person exercising the restraint is an employee of an agency licensed or exempted from licensure under the Child Welfare Agency Licensing Act;
 2. The agency has policy and procedures regarding restraints;
 3. No other alternative exists to control the child except for a restraint;
 4. The child is in danger of hurting himself or others;
 5. The person exercising the restraint has been trained in properly restraining children, de-escalation, and conflict resolution techniques; and
 6. The restraint is for a reasonable period of time.
 - Reasonable and moderate physical discipline inflicted by a parent or guardian shall not include any act that is likely to cause and which does cause injury more serious than transient pain or minor temporary marks.
 - The age, size and condition of the child and the location of the injury and the frequency of recurrence of injuries shall be considered when determining whether the physical discipline is reasonable or moderate.
- B. NEGLECT - Acts or omissions of a parent, guardian, custodian, foster parent, or any person who is entrusted with the juvenile’s care by a parent, custodian, guardian, or foster parent, including, but not limited to, an agent or employee of a public or private residential home, child care facility, public or private school, or any person legally responsible under state law for the juvenile’s welfare, but excluding the spouse of a minor and the parents of a married minor, which constitute:
- Failure or refusal to prevent the abuse of the juvenile when the person knows or has reasonable cause to know the juvenile is or has been abused;
 - Failure or refusal to provide the necessary food, clothing, or shelter, and education required by law, or medical treatment necessary for the juvenile’s well-being, except when the failure or refusal is caused primarily by the financial inability of the person legally responsible and no services for relief have been offered or rejected;

DEFINITIONS

- Failure to take reasonable action to protect the juvenile from abandonment, abuse, sexual abuse, sexual exploitation, neglect, or parental unfitness where the existence of such condition was known or should have been known;
- Failure or irremediable inability to provide for the essential and necessary physical, mental, or emotional, needs of the juvenile;
- Failure to provide for the juvenile's care and maintenance, proper or necessary support, or medical, surgical, or other necessary care;
- Failure, although able, to assume responsibility for the care and custody of the juvenile or participate in a plan to assume such responsibility; or
- Failure to appropriately supervise the juvenile that results in the juvenile's being left alone at an inappropriate age or in inappropriate circumstances that put the juvenile in danger.

C. SEXUAL ABUSE –

- By a person ten (10) years of age or older to a person younger than eighteen (18) years of age:
 1. Actual or attempted sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion;
 2. Indecent exposure, or forcing, the watching of pornography or live sexual activity
- By a person eighteen (18) years of age or older to a person not his or her spouse who is younger than sixteen (16) years of age:
 1. Actual or attempted sexual intercourse, deviate sexual activity, or sexual contact or solicitation;
- By a sibling or caretaker to a person younger than eighteen (18) years of age:
 1. Actual or attempted sexual intercourse, deviate sexual activity, or sexual contact or solicitation;
- By a caretaker to a person younger than eighteen (18) years of age:
 1. Forcing or encouraging the watching of pornography;
 2. Forcing, permitting, or encouraging the watching of live sexual activity;

DEFINITIONS

- By a person younger than ten (10) years of age to a person younger than eighteen (18) years of age:
 1. Actual or attempted sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion.

II. MALTREATMENT TYPES :

- A. Most of the types of child maltreatment defined in the Child Maltreatment Assessment Protocol (PUB 357) were taken directly from the Arkansas Child Maltreatment Act (e.g., Kicking a Child and Educational Neglect).
- B. Those types of child maltreatment not defined directly by the Arkansas Child Maltreatment Act are clearly implied by content in the Act. For example, “Brain Damage/Skull Fracture” in PUB 357 is implied by “bone fracture, internal injuries” in the Act. Additionally, “Threat of Harm” in PUB 357 is implied by “Substantial Risk of Death” in the Act.

CHILD MALTREATMENT ASSESSMENT PROTOCOL

ABANDONMENT (Priority I)

I. Definition

Ark. Code Annotated 12-12-503(1): "Abandonment" means the failure of the parent to provide reasonable support and to maintain regular contact with the juvenile through statement or contact, when the failure is accompanied by an intention on the part of the parent to permit the condition to continue for an indefinite period in the future, and failure

to support or maintain regular contact with the juvenile without just cause or an articulated intent to forego parental responsibility.

NOTE: Abandonment is parental conduct, which demonstrates an intent to relinquish all parental or custodial rights and claims to the child. Abandonment is also defined as any parental or caretaker conduct which evinces a settled purpose to forego parental duties and relinquish parental claims to the child. Abandonment does not apply to the parents of a married minor, ACA 12-12-503(1)(B).

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child was abandoned.

B. Usage

The reporter has reason to believe that a child has been abandoned due to the parent's or caretaker's disregard of his or her responsibilities to the child.

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

. Verified that a child has been abandoned; and

Secured a preponderance of evidence that the parent's or guardian identity and/or whereabouts are unknown or that the parent or guardian is no longer demonstrating an interest in retaining custody or caring for the child.

ABUSE WITH A DEADLY WEAPON (Priority I)

- I. Definition - The assault or attempt to assault an individual by inflicting a wound, or conduct that reasonably could be expected to result in a wound, or the infliction of a wound, as the direct, non-accidental action of a parent or caretaker by any object which under the circumstances in which it is used creates a realistic and serious threat of causing death or serious injury. This may also include using a weapon to threaten a child.

A gunshot, stabbing injury, other injuries, or the attempt to inflict such injury using any deadly weapon.

A deadly weapon is any weapon or object which, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.

Assault is conduct which creates a substantial risk of death or physical injury.

II. Taking a report

- A. An acceptable reporter is any person with reasonable cause to suspect that a child has received an injury as a result of abuse with a deadly weapon.

B. Usage

The reporter has reason to believe that abuse with a deadly weapon resulted from one of the following:

- . A direct, non-accidental action of the parent or caretaker (abuse).
- . The failure of the parent or caretaker to make reasonable efforts to stop an action by another person which resulted in abuse with a deadly weapon (failure to protect).

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that the parent or caretaker attempted to injure the child; or
- . Verified that the child currently has a wound caused by a deadly weapon or that the child has received such a wound in the past (verification of past wounds must come from a physician, a law enforcement officer, an equally credible witness or by a direct admission from the alleged offender); and
secured a preponderance of evidence that the wound was sustained as the result of abuse or neglect as defined in Section I.
- . Verified that a weapon was used to threaten bodily harm.

BONE FRACTURES (Priority I)

I. Definition

A fracture is a broken bone. There are ten types of fractures, the most common being:

- . Chip fracture: A small piece of bone is flaked from the major part of the bone
- . Simple fracture: The bone is broken, but there is no external wound.
- . Compound fracture: The bone is broken, and there is an external wound leading down to the site of fracture or fragments of bone protrude through the skin.
- . Comminuted fracture: The bone is broken or splintered into pieces.
- . Spiral fracture: Twisting causes the line of the fracture to encircle the bone in the form of a spiral.
- . Coroner fracture (metaphyseal): Caused by a pulling or jerking of an extremity.

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child sustained a bone fracture as a result of maltreatment.

B. Usage

The reporter has reason to believe that the bone fracture resulted from one of the following:

- . A direct, non-accidental action of the parent, caretaker, or other person responsible for the child's welfare (abuse).
- . The failure of the parent or caretaker to make reasonable efforts to stop an action by another person which resulted in a bone fracture (failure to protect).

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that the child currently has a bone fracture or has sustained a bone fracture in the past (such verification must come from a physician); and
- . Secured a preponderance of evidence that the bone fracture was sustained as the result of the abuse or neglect as defined in Section I.

BRAIN DAMAGE/SKULL FRACTURE (Priority I)

I. Definition

Brain damage is an injury to the large, soft mass of nerve tissue contained within the cranium/skull.

Skull fracture is a broken bone in the skull.

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child sustained brain damage or a skull fracture as the result of maltreatment.

B. Usage

The reporter has reason to believe that the brain damage or skull fracture resulted from one of the following:

- . A direct, non-accidental action of the parent, caretaker or other person responsible for the child's welfare (abuse).
- . The failure of the parent or caretaker to make reasonable efforts to stop an action by another person which resulted in the child sustaining brain damage or a skull fracture (failure to protect).

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that the child is currently brain damaged or has a fractured skull or has been brain damaged or sustained a skull fracture in the past (such verification must come from a physician); and
- . Secured a preponderance of evidence that the brain damage or skull fracture was sustained as the result of maltreatment as defined in Section I.

BURNS/SCALDING (Priority I)

I. Definition

Burns are any tissue injury resulting from excessive exposure to thermal, chemical, electrical, or radioactive agents. The effects vary according to the type, duration, and intensity of the agent and the part of the body involved. Burns are usually classified as:

- . First degree: Superficial burns, damage being limited to the outer layer of skin. Scorching or painful redness of the skin.
- . Second degree or partial thickness burn: The damage extends through the outer layer of the skin into the inner layers. Blistering will be present within 24 hours.
- . Third degree or full thickness burn: Burns in which the skin is destroyed with damage extending into underlying tissues, which may be charred or coagulated. Skin grafting may be required.

Scalding is a burn to the skin or flesh caused by moist heat and hot vapors, such as steam.

II. Taking a report

- A. An acceptable reporter is any person with reasonable cause to suspect that a child sustained a burn or was scalded as the result of maltreatment.

B. Usage

The reporter has reason to believe that the burn or scalding resulted from one of the following:

- . A direct, non-accidental action of the parent or caretaker (abuse).
- . The failure of the parent or caretaker to make reasonable efforts to stop an action by another person which resulted in the burn or scalding (failure to protect).

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that a child has been burned or scalded. Severe burns, burns of an unknown origin, or burns where the injury is not consistent with the explanation provided for it should be examined by a physician or registered nurse. This includes cigarette burns, or burns in which it appears a hot instrument was applied to the skin. All immersion burns (scalds) must be confirmed by a physician unless the alleged offender has admitted to scalding the child; and
- . Secured a preponderance of evidence that the burn or scalding was sustained as a result of maltreatment as defined in Section I.

CUTS, BRUISES, & WELTS (Priority I, referred to Crimes Against Children Division if the child is age 3 or under and the injury is reported by medical personnel, a medical facility, or law enforcement and involves injury to the head, face, neck, or torso excluding buttocks. All other reports to be considered Priority II and referred to DCFS.)

I. Definition

Cut (laceration): An opening, incision, or break in the skin made by some external agent.

Bruise (ecchymosis): An injury which results in bleeding within the skin, where the skin is discolored but not broken.

Welt: An elevation on the skin produced by a lash, blow, or allergic stimulus. The skin is not broken and the mark is reversible.

NOTE: Regardless of the child's age, depending on the location, severity and multiplicity of the injuries (cuts, bruises and/or welts), the case may be a Priority I.

The investigation of bruises cuts or welts in or on any portion of the head, face, neck or abdomen that are a direct act against the child by a parent or caretaker. This does not include an injury that is the result of a failure on the part of the parent or caretaker to safeguard the child from environmental situations that resulted in those injuries.

II. Taking a report

- A. An acceptable reporter is any person with reasonable cause to suspect that a child sustained a cut, bruise, or welt as a result of maltreatment. For the allegation to be directed to the CACD, the report must come from medical personnel, a medical facility or law enforcement and involve injuries to the head, neck, face or torso excluding buttocks of a child age 3 or under. If the cuts, welts or bruising are on the child's buttocks it is a Priority II case and will be handled by DCFS.

B. Usage

The reporter has reason to believe that the cut, bruise, or welt resulted from one of the following:

- . A direct, non-accidental action of the parent or caretaker (abuse).
- . The failure of the parent or caretaker to make reasonable efforts to stop an action by another person which resulted in a cut, bruise, or welt (failure to protect).

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that the child currently has a cut, bruise, or welt or has sustained one in the past (such verification may come from a physician, registered nurse, law enforcement officer, observation by the Family Service Worker or by a direct admission from the alleged offender); and any injury must involve more than transient pain or minor temporary marks; and
- . Secured a preponderance of evidence that the cut, bruise, or welt was sustained as a result of maltreatment as defined in Section I.

Abuse does not include physical discipline of a child when it is reasonable and moderate and is inflicted by a parent or guardian for purposes of restraining or correcting the child. Reasonable and moderate physical discipline should cause no more than transient pain or minor temporary marks.

The age, size and condition of the child and the location of the injury and the frequency of recurrence of injuries shall be considered when determining whether the physical discipline is reasonable and moderate.

DEATH (Priority I)

I. Definition

Permanent cessation of all vital functions.

The following definitions of death are also commonly used:

- . Total irreversible cessation of cerebral function, spontaneous function of the respiratory system, and spontaneous function of the circulatory system.
- . The final and irreversible cessation of perceptible heart beat and respiration.

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child has died as the result of maltreatment.

B. Usage

The reporter has reasonable cause to suspect that a child's death resulted from the following:

- . A direct, non-accidental action of the parent or caretaker (abuse).
- . The failure of the parent or caretaker to make reasonable efforts to stop an action by another person which resulted in the child's death (failure to protect).

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that the child is dead (such verification must come from a physician or coroner); and
- . Secured a preponderance of evidence that the child died as a result of maltreatment as defined in Section I.

EDUCATIONAL NEGLECT (Priority II)

I. Definition

Any child who is not meeting compulsory school attendance requirements because his or her parent or custodian is failing or refusing to enforce these attendance requirements is educationally neglected. A parent or custodian is failing or refusing to enforce the state's compulsory attendance requirements if:

- . The parent or guardian having custody or charge of any child between the ages of five through seventeen years (by September 15 of the school year), both inclusive, fails to enroll and send the child to a public, private, or parochial school, or provide a home school for the child, or
- . The parent or guardian having custody or charge of a child of the above-referenced age disregards his or her responsibility to ensure that a child attends school, or actively prevents such child from attending school.

Examples of educational neglect include:

- . The parent or custodian who does not enroll the child in school; or,
- . The parent or custodian who prevents a child from attending school; or,
- . The parent or custodian who does not take reasonable action to ensure that the child regularly attends school; or,
- . The parent or custodian who has not made arrangements to home school the child.

NOTE: Failure to follow an Individualized Educational Program (IEP) does not constitute educational neglect.

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child is educationally neglected.

B. Usage

The reporter has reason to believe that a child is not home schooled and is not attending school because:

- . The parent or custodian did not enroll the child in the school program; or
- . The parent or custodian disregards the responsibility to ensure that the child is attending school or the parent or custodian actively prevents the child from attending school; or,
- . The parent or custodian has not taken the necessary steps to provide home

schooling.

C. Factors to be considered in taking and/or founding a report

- . The child's physical condition, particularly as it relates to the child's ability to get ready for school, and
- . The child's mental abilities, particularly concerning the child's ability to get ready for school, and
- . The number of days missed, and
- . The parent's or custodian's attempts to ensure that the child attends school, and
- . The parent or custodian has hand-delivered to the superintendent written notice of the parent's or custodian's intent to home school the child.

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that the child is not or was not meeting mandated educational requirements; and
- . Secured a preponderance of evidence that the child is/has been educationally neglected as defined in Section I; and
- . Verified the parent or custodian has failed to provide written notice to the superintendent of the intent to home school the child.
- . Applied the factors in Section II, C, above and determined that the child is/was educationally neglected.

ENVIRONMENTAL NEGLECT (Priority II)

I. Definition

The child's person, clothing, or living conditions are unsanitary to the point that the child's health is in significant danger of impairment. This may include infestations of rodents, spiders, insects, snakes, lice, etc., human or animal feces, rotten or spoiled food and/or garbage which the child can reach.

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child is living in the conditions noted above and that the conditions are a significant threat to the child's health.

B. Usage

The reporter has reason to believe that the child is living in conditions defined above as the result of disregard of duty or negligence on the part of the child's parent or caretaker responsible for the child's welfare.

C. Factors to be considered

Special attention should be paid to the age of the child, the child's physical condition, and the living conditions in the home in order to determine whether the report constitutes an allegation of harm.

In addition, the following incident factors should be considered:

- . Severity of the conditions,
- . Frequency of the conditions,
- . Duration of the conditions, and
- . Chronicity or pattern of similar conditions.

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that the conditions described exist or had existed; and
- . Secured a preponderance of evidence that the unhealthful/unsanitary conditions are/were the result of neglect as defined in Section I; and
- . Applied the factors in Section II, C, above, and determined that the conditions represent a threat to the child's health.
- . Secured a preponderance of evidence that a child was maltreated as in Section I.

EXTREME OR REPEATED CRUELTY TO A JUVENILE (Priority II)

I. Definition

The offender engages in deliberate activity that is disposed to inflict pain, suffering or grief. Examples of extreme cruelty include such things as forcing a child to observe the killing of his pet or forcing a child to eat vomit. Milder forms of cruelty may still be identified as child maltreatment if there have been repeated acts by the offender.

II. Taking a Report

A. An acceptable reporter is any person who has reasonable cause to suspect that a juvenile has been deliberately subjected to extreme or repeated cruelty.

B. Usage

The reporter has reason to believe that a juvenile has been deliberately subjected to extreme or repeated cruelty.

III. Founding a Report

This allegation may be founded only after the Worker has:

- Verified that a juvenile has been subjected to extreme (excessive or severe) cruelty and/or there is evidence that the cruelty was repeated.
- Secured a preponderance of evidence that a juvenile was subjected to extreme or repeated cruelty.

Documented that all other types of child maltreatment have been ruled out to ensure that extreme or repeated cruelty is the correct child maltreatment type. However, extreme or repeated cruelty can be used in conjunction with other child maltreatment types.

FAILURE TO PROTECT (Priority I or II)

I. Definition

Failure of an individual responsible for the care of a child to take reasonable action to protect that child from maltreatment when that individual had reasonable cause to believe that the child was in significant danger of being maltreated.

This allegation may include situations in which a person with a documented history as an offender of child sexual abuse is allowed to be an unsupervised caretaker of a child.

NOTE: The Priority Level (I or II) is determined by the Type of Maltreatment from which the caregiver failed to protect. This is a sub-issue when considering sexual abuse, physical abuse, neglect, etc.

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child was endangered and that an individual responsible for the care of the child failed to take reasonable action to protect the child.

B. Usage

The reporter has reason to believe that failure to protect resulted from one of the following:

- . The failure of the parent or caretaker to make reasonable efforts to stop an action by another person which resulted in maltreatment to the child.
- . A blatant disregard by the parent or caretaker of his or her responsibilities for the child's welfare.

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has concluded that:

- . An individual responsible for the care of a child had or should have had reasonable cause to believe that the child was in significant danger of maltreatment and failed to take action to protect the child from that danger.

NOTE: A finding of failure to protect should not be made against a caretaker who was in significant fear of his or her own safety.

- . Secured a preponderance of evidence that failure to protect occurred as a result of maltreatment as defined in Section I.

FAILURE TO THRIVE (Priority I)

I. Definition

A clinical term used by pediatric clinicians to describe infants and young children, generally 3 years of age and younger, who fail to grow as expected based on established growth standards for age and gender. A central cause of failure-to-thrive is under-nutrition, whether or not an associated organic disease is present. Pediatric under-nutrition, or Failure-To-Thrive triggers an array of health problems in children and may be associated with long-term impairments in growth, physical and cognitive development, academic performance, and behavior. The majority of children who demonstrate Failure-To-Thrive do not have a physical disease. Most such situations are associated with problems in the child's environment.

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child suffers from failure to thrive.

B. Usage

The reporter has reason to believe that the child has failure to thrive syndrome as a result of the parent's or caretaker's neglect.

C. Factors to be considered

.Central to the definition of Failure-To-Thrive is abnormal growth compared to children of similar age and sex, using typical national growth standards.

.The child's symptoms, i.e. weight and/or velocity of growth and/or clinical signs of deprivation improve when the child is properly nurtured.

.There appears to be significant environmental or psychosocial disruption in the child's family.

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that the child has or had failure to thrive (such verification must come from a physician); and
- . Secured a preponderance of evidence that the failure to thrive was at least partially a result of the parent's or caretaker's failure to provide for or meet the needs of the child.

HUMAN BITES (Priority II)

I. Definition

A bruise or cut in the skin caused by human teeth.

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child sustained a human bite as a result of maltreatment.

B. Usage

The reporter has reason to believe that the human bite resulted from one of the following:

- . A direct, non-accidental action of the parent, caretaker, or other person responsible for the child's welfare (abuse).
- . The failure of the parent or caretaker to make reasonable efforts to stop an action by another which resulted in a human bite (failure to protect).
- . The failure of the parent or caretaker to appropriately supervise the child resulted in human bites (inadequate supervision).

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that the child currently has a human bite or has sustained a human bite in the past (such verification may come from a physician, dentist, registered nurse, law enforcement officer, observation by the Family Service Worker, or by a direct admission from the alleged offender); and
- . Secured a preponderance of evidence that the human bite was sustained as a result of maltreatment as defined in Section I.

IMMERSION (Priority I)

I. Definition

Interference with a child's ability to breathe by holding the child's nose and mouth under water or other liquid.

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child has been immersed as a result of maltreatment.

B. Usage

The reporter has reason to believe immersion resulted from one of the following:

- . A direct, non-accidental action of the parent or caretaker (abuse).
- . The failure of the parent or caretaker to make reasonable efforts to stop an action by another which resulted in immersion (failure to protect).

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that a child has been immersed and restricted breathing.
- . Secured a preponderance of evidence that the immersion occurred as a result of maltreatment as defined in Section I.

INADEQUATE CLOTHING (Priority II)

I. Definition

Lack of adequate clothing to protect the child from the elements.

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child is inadequately clothed.

B. Usage

The reporter has reason to believe that a child is or recently has been inadequately clothed due to the parent's or caretaker's disregard of his or her responsibilities.

C. Incident factors to be considered

- . Frequency of the incident,
- . Duration of the incident,
- . Chronicity or pattern of similar incidents,
- . Weather conditions such as extreme heat or extreme cold.

NOTE: Evidence of physical harm to the child such as frostbite, hypothermia, severe sunburn, or heat exhaustion is not required in order to indicate this allegation. Lack of clothing in the home is not sufficient to indicate a report of inadequate clothing unless other factors substantiate that the child is not being clothed. Other factors must be considered.

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that the incident or circumstances occurred; and
- . Secured a preponderance of evidence that the child is/has been inadequately clothed in accordance with Section II,B, above; and
- . Applied the factors in Section II, C, above and determined that the clothing was not appropriate to protect the child from the elements.
- . The mere availability of clothing is not sufficient to unfound a report of inadequate clothing.

INADEQUATE FOOD (Priority II)

I. Definition

Lack of food adequate to sustain normal functioning. It is not as severe as malnutrition or failure to thrive, both of which require a medical diagnosis for a finding of “True”.

Examples include:

- . The child who frequently and repeatedly misses meals or who is frequently and repeatedly fed insufficient amounts of food.
- . The child who frequently and repeatedly asks neighbors for food and other information substantiates that the child is not being fed.
- . The child who is frequently and repeatedly fed unwholesome foods when his age, developmental stage, and physical condition are considered.

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child has received/is receiving inadequate food.

B. Usage

The reporter has reason to believe that the child has not received/is not receiving adequate food due to the parent's or caretaker's disregard of his responsibilities.

C. Incident factors to be considered:

- . Frequency of the occurrence,
- . Duration of the occurrence,
- . Pattern or chronicity of occurrence,
- . Previous history of occurrences,
- . Availability of adequate food.

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that the incident or circumstances occurred; and
- . Secured a preponderance of evidence that the child received/is receiving inadequate food as the result of maltreatment as defined in Section I; and

Applied the factors in Section II, C, above and determined that the amount of food received is not adequate to sustain normal functioning.

NOTE: Lack of food in the home is not sufficient to indicate a report of inadequate food unless other factors substantiate that the child is not being fed. On the other hand, the mere availability of food in the home is not sufficient to unfound a report of inadequate food. Other factors must also be considered. Do not found a report if the parents are making alternative arrangements to provide adequate food.

INADEQUATE SHELTER (Priority II)

I. Definition

Lack of shelter which is safe and which protects from the elements.

Examples of inadequate shelter include, but are not limited to:

- . No housing or shelter.
- . Exposed, frayed electrical wiring.
- . Housing with structural defects which significantly endanger the health or safety of the child.
- . Housing with indoor temperatures consistently below 50 degrees Fahrenheit.
- . Housing which is a significant fire hazard obvious to the reasonable person.
- . Housing with an unsafe heat source which poses a significant fire hazard or threat of asphyxiation.

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child is being inadequately sheltered.

B. Usage

The reporter has reason to believe that the child is being inadequately sheltered due to the parent's or caretaker's disregard of his or her responsibilities.

- C. Shelter factors to be considered
 - . Seriousness of the problem.
 - . Frequency of the problem
 - . Duration of the problem.
 - . Pattern or chronicity of the problem.
 - . Previous history of shelter-related problems.

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that the incident or circumstances occurred; and
- . Secured a preponderance of evidence that the child is being or has been inadequately sheltered as the results of maltreatment as defined in Section I; and
- . Applied the factors in Section II,C, above and determined that the shelter is inadequate.

INADEQUATE SUPERVISION (Priority II)

I. Definition

The parent or caretaker has failed to appropriately supervise the juvenile resulting in the juvenile being left alone at an inappropriate age or in inappropriate circumstances which put the juvenile in danger.

Examples include, but are not limited to:

- . Leaving the juvenile alone when the juvenile is too young to care for himself or for other children.
- . Leaving a juvenile alone when the juvenile has a condition that requires close supervision. Such conditions may include medical conditions, behavioral, mental, or emotional problems, developmental disabilities, or physical handicaps.
- . Leaving a juvenile in the care of an inadequate or inappropriate caretaker, as indicated by the caretaker factors in Section II, C, below.

- . Being present but unable to supervise because of the caretaker's condition. This includes the parent or caretaker who uses drugs or alcohol to the extent that it has the effect of producing a substantial state of stupor, unconsciousness, intoxication, or irrationality. This also includes the parent or caretaker who cannot adequately supervise the juvenile because of the parent's or caretaker's medical condition, behavioral, mental, or emotional problems, developmental disability, or physical handicap.
- . Leaving a juvenile unattended in a place which is unsafe considering their maturity, physical condition, and mental abilities.

NOTE: The mere occurrence of a parent or caretaker being arrested does NOT of itself constitute "inadequate supervision" unless the arrest was due to child maltreatment (e.g. DWI).

II. Taking a report

- A. An acceptable reporter is any person with reasonable cause to suspect that a juvenile has been/is being inadequately supervised as a result of maltreatment.

- B. Usage

The reporter has reason to believe that the juvenile has been/is being inadequately supervised due to the disregard of responsibilities by the parent or caretaker.

- C. Factors to be considered

Caretaker factors

- . How long does it take the caretaker to reach the juvenile?
- . Can the caretaker see and hear the juvenile?
- . Is the caretaker accessible by telephone or pager?
- . Is the caretaker mature enough to assume responsibility for the situation?
- . Is the caretaker physically, mentally, and emotionally able to care for the juvenile?
- . Is the caretaker able to make appropriate judgments on the juvenile's behalf?

Incident factors include:

- . Frequency of occurrence.

- . Duration of the occurrence.
- . Time of day or night when the incident occurs.
- . Juvenile's location.
- . Other supporting persons who have agreed to assist in supervising the juvenile.

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified/secured a preponderance of evidence that inadequate supervision occurred; and
- . Secured a preponderance of evidence that the inadequate supervision is/was due to the parent or caretaker's neglect as defined in Section I; and
- . Applied the factors in Section II, C, above and determined that the supervision was inadequate.

INDECENT EXPOSURE (Priority I)

I. Definition

The exposure by a person aged 10 years or older of the person's sexual organs for the purpose of arousing or gratifying the sexual desire of the person, or any other person, under circumstances in which the person knows the conduct is likely to cause affront or alarm.

II. Taking a Report

A. An acceptable reporter is any person who has reasonable cause to suspect that a person age 10 years or older exposed his/her sexual organs for the purpose of arousing or gratifying the sexual desire of the person, or any other person, under circumstances in which the person knows the conduct is likely to cause affront or alarm.

B. Usage

The reporter has reason to believe that a person exposed his sexual organs for the purpose of arousing or gratifying the sexual desire of the person, or any other person, under circumstances in which the person knows the conduct is likely to cause affront or alarm.

III. Founding a Report

This allegation may be founded only after the Worker has:

Secured a preponderance of evidence that a person aged 10 years or older, exposed his/her sexual organs for the purpose of arousing or gratifying the sexual desire of the person, or any other person, under circumstances in which the person knows the conduct is likely to cause affront or alarm.

INTERFERING WITH A CHILD’S BREATHING (Priority I)

This category of child maltreatment is contained within another category. See the category, “Suffocation”.

INTERNAL INJURIES (Priority I)

I. Definition

Internal injury is an injury which is not visible from the outside, e.g. an injury to the organs occupying the thoracic or abdominal cavities. Such injury may result from a direct blow. A person so injured may be pale, cold, perspiring freely, have an anxious expression, or may seem semi-comatose. Pain is usually intense at first, and may continue or gradually diminish, as patient grows worse.

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child sustained internal injuries as the result of maltreatment.

B. Usage

The reporter has reason to believe that the internal injuries resulted from one of the following:

- . A direct, non-accidental action of the parent or caretaker (abuse).
- . The failure of the parent or caretaker to stop an action by another person which resulted in internal injuries (failure to protect).

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that the child currently has internal injuries or has sustained internal injuries in the past (such verification must come from a physician); and
- . Secured a preponderance of evidence that the internal injury was sustained as a result of maltreatment as defined in Section I.

KICKING A CHILD (Priority II)

I. Definition

The parent or caretaker has used a foot to deliver a non-accidental sudden and forceful blow to any portion of the child's body.

II. Taking a Report

- A. An acceptable reporter is any person with reasonable cause to suspect that a child has sustained a sudden, forceful and non-accidental blow from the parent's or caretaker's foot.

B. Usage

The reporter has reason to believe that the child has sustained a sudden and forceful non-accidental blow from the parent's or caretaker's foot.

III. Founding a Report

This allegation of maltreatment may be founded only after the Worker has:

- . Secured a preponderance of evidence that the child sustained a sudden and forceful non-accidental blow from the parent's or caretaker's foot.
- . Abuse does not include physical discipline of a child when it is reasonable and moderate and is inflicted by a parent or guardian for purposes of restraining or correcting the child. Reasonable and moderate physical discipline should cause no more than transient pain or minor temporary marks.

The age, size and condition of the child and the location of the injury and the frequency of recurrence of injuries shall be considered when determining whether the physical discipline is reasonable and moderate.

LOCKOUT (Priority II)

I. Definition

The parent or caretaker has denied the child access to the home necessary to the safety and health of the child.

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child has been locked out of the home.

B. Usage

The reporter has reason to believe that the child has been denied access to his home.

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

Verified that the child was denied access to the home by the parent or caretaker; and

. Secured a preponderance of evidence that the lock-out occurred as a result of maltreatment as defined in Section I.

MALNUTRITION (Priority I)

I. Definition

Lack of necessary or proper food substances in the body caused by inadequate food, lack of food, or insufficient amounts of vitamins or minerals.

The child with malnutrition is not simply a diminutive version of a well-nourished child. There are various physical signs of malnutrition, including the following:

. A decrease in lean body mass or fat; very prominent ribs; the child may often be referred to as "skin and bones."

. The hair is often sparse, thin, dry, and is easily pulled out or falls out spontaneously.

. The child is often pale and suffers from anemia.

- . Excessive perspiration, especially about the head.
- . The face appears lined and aged, often with a pinched and sharp appearance.
- . The skin has an old, wrinkled look with poor turgor. Classically, skin folds hang loose on the inner thigh and buttock.
- . The abdomen is often protuberant.
- . There are abnormal pulses, blood pressure, stool patterns, inter-current infections, abnormal sleep patterns, and a decreased level of physical and mental activity.

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child was malnourished as a result of maltreatment.

B. Usage

The reporter has reason to believe that the child was malnourished due to the parent's or caretaker's disregard of his or her responsibilities. The malnourishment must be non-organic in nature.

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that the child is/was malnourished (such verification must come from a physician); and
- . Secured a preponderance of evidence that the child was malnourished as a result of the parent's or caretaker's disregard of his or her responsibilities.

MEDICAL NEGLECT (Priority II)

I. Definition

Lack of medical or mental treatment for a health problem or condition which, if untreated, could become severe enough to constitute a serious or long-term harm to the child; lack of follow-through on a prescribed treatment plan for a condition which could become serious enough to constitute serious or long-term harm to the child if the plan is unimplemented.

II. Taking a report

A. Acceptable reporter is any person with reasonable cause to suspect that a child has been/is being medically neglected.

B. Usage

The reporter has reason to believe that the child has not or is not receiving proper and necessary medical care due to the parent's or caretaker's disregard of his or her responsibilities.

C Factors to be considered

- . Seriousness of the current health problem,
- . Probable outcome if the current health problem is not treated and the seriousness of that outcome,
- . Generally accepted medical benefits of the prescribed treatment, and
- . Generally recognized side effects/harm associated with the prescribed treatment.

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

Verified that the child has/had an untreated health problem, or that a prescribed treatment plan was unimplemented. Such verification must come from a physician, registered nurse, psychologist, dentist, or by a direct admission from the alleged offender, and

- . Secured a preponderance of evidence that the child is/was medically neglected as defined above.
- . Applied the factors in Section II, C, above and determined that the problem or condi-

tion, if untreated, could result in serious or long-term harm to the child. Such verification must come from a physician, registered nurse, or dentist.

NOTE: If the Family Service Worker determines that the parent's decision to withhold medical treatment was based solely upon a religious belief, choosing instead to furnish the child with prayer and spiritual treatment in accordance with a recognized religious method of healing by an accredited practitioner, the investigative determination will be Exempted From Founded Due to Religious Exemption.

IV. Determining who is the offender

When a person, usually a relative, has assumed full-time responsibility for care of the child but has not been appointed the child's legal guardian or the guardianship status is unknown when the report is taken, both that caretaker and the child's legal parents shall be named as alleged offenders. If the legal parents did not make necessary arrangements for securing medical care for the child, the parents shall be indicated as offenders of medical neglect. If the caretaker had attempted to secure medical care, but was unable to do so because the parents did not make the necessary arrangements, the caretaker shall not be indicated as an offender of medical neglect.

MEDICAL NEGLECT OF DISABLED INFANTS (Priority I)

I. Definition

The withholding of appropriate nutrition, hydration, medication, or other medically indicated treatment from a disabled infant with a life-threatening condition. Medically indicated treatment includes medical care which is most likely to relieve or correct all life threatening conditions and evaluations or consultations necessary to assure that sufficient information has been gathered to make informed medical decisions. Nutrition, hydration, and medication, as appropriate for the infant's needs, is medically indicated for all disabled infants.

Other types of treatment are not medically indicated when:

- . The infant is chronically and irreversibly comatose,
- . The provision of the treatment would be futile and would merely prolong dying, or
- . The provision of the treatment would be ineffective in ameliorating or correcting all the life-threatening conditions.

In determining whether treatment will be medically indicated, reasonable medical judgments, such as those made by a prudent physician knowledgeable about the case and its treatment possibilities, will be respected. However, opinions about the infant's future "quality of life" are not to bear on whether a treatment is judged to be medically indicated.

NOTE: Review FSPP Policy and Procedure Section II-F, Medical Neglect Of A Disabled Infant.

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a disabled infant with a life-threatening condition has been/is being medically neglected.

B. Usage

The reporter has reason to believe that the disabled infant has not received/is not receiving medically indicated treatment (including appropriate nutrition, hydration, medication, and independent evaluations and consultations) due to the parent's or caretaker's disregard of his or her responsibilities.

C. Factors to be considered

- . Infant's physical condition,
- . Seriousness of the current health problem,
- . Probable medical outcome if the current health problem is not treated and the seriousness of that outcome.
- . Generally accepted medical benefits of the prescribed treatment,
- . Generally recognized side effects/harms associated with the prescribed treatment,
- . The opinions of the Infant Care Review Committee (ICRC), if the hospital has an ICRC,
- . The judgment of the individual designated by contract for the purposes of coordination, consultation, and notification of cases of suspected medical neglect of disabled infants (Refer to FSPP II-F), and
- . The parent's knowledge and understanding of the treatment and the probable medical outcome.

- D. On acceptance of this type allegation the Hot Line supervisor will be notified immediately. The Hot Line supervisor will immediately notify the designated DCFS Child Protective Services Field Assistance Unit (501) 682-8992.

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that medical treatment (including appropriate nutrition, hydration, or medication) is/was withheld from an infant; and
- . Secured a preponderance of evidence that the infant is/has been medically neglected due to the parent's or caretaker's disregard of his or her responsibilities; and
- . Applied the factors in Section II, C, above and determined that the treatment was medically indicated. Such verification must come from a physician, and may come from experts in the field of neonatal pediatrics. Appropriate nutrition, hydration, and medication is medically indicated for all disabled infants.

MENTAL INJURY (Priority II)

I. Definition

Injury to the intellectual, emotional, or psychological development of a child as evidenced by observable and substantial impairment in the child's ability to function within a normal range of performance and behavior.

II. Taking a report

- A. Any person with a reasonable cause to suspect that a child has suffered a substantial impairment in his or her ability to function as a result of a specific, non-accidental action or inaction committed by a parent or caretaker.

- B. Usage

The reporter has reason to believe that the mental injury resulted from one of the following:

- . A direct, non-accidental action of the parent or caretaker (abuse).
- . The failure of the parent or caretaker to make reasonable efforts to stop an action by another person which resulted in the mental injury (failure to protect).

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that the child has been mentally injured. A psychiatrist, registered psychologist, licensed clinical social worker, professional employee of a community mental health center, or licensed psychological examiner must confirm that the child has suffered a mental injury; and
- . Secured a preponderance of evidence that the mental injury resulted from maltreatment as defined in Section I.

NOTE: Under some circumstances, such as divorce, a mental injury to a child may be an unavoidable consequence of purposeful parental action. When determining whether to found a report, the Family Service Worker should consider whether the parents or caretakers took reasonable action to minimize the degree of mental injury resulting from a necessary action or uncontrollable event.

MUNCHAUSEN SYNDROME BY PROXY OR FACTITIOUS ILLNESS BY PROXY – (Priority II)

I. Definition

A form of child maltreatment in which the parent or guardian falsifies a child's medical history or alters a child's laboratory tests or actually causes an illness or injury in a child in order to gain medical attention for the child which may result in innumerable harmful hospital procedures.

II. Taking a report

A. Acceptable reporters include medical personnel or medical facilities with reasonable cause to suspect that a parent or caregiver has fabricated a medical condition in a child.

B. Usage

The reporter has reason to believe that the parent or caregiver is presenting a child to a health care provider for a fabricated medical condition.

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

Verified that the child has been presented to a health care provider with a fabricated medical condition. Such verification must come from a physician, registered nurse, dentist, or by a direct admission from the alleged offender; and

Secured a preponderance of the evidence that the parent or caregiver has presented the child to a health care provider with a fabricated medical condition.

ORAL SEX (Priority I)

I. Definition

Any contact, however slight or the attempted contact between the sex organ of one person and the mouth of another person when one of those persons is a child and the other is a caretaker of the child. This includes acts commonly known as cunnilingus and fellatio.

This form of maltreatment does not require that the offender be a caretaker of the child.

II. Taking a Report

A. An acceptable reporter is any person with reasonable cause to suspect that a child has been involved in oral sex.

B. Usage

The reporter has reason to believe that oral sex resulted from one of the following:

- . A direct action by a parent or caretaker ten years of age or older (abuse); or
- . A direct action by any person under any of the following circumstances:
 - (a) The alleged offender is ten (10) years of age or older and the alleged victim is under the age of eighteen and forcible compulsion was used in the act or attempt; or
 - (b) By one person who is eighteen (18) or older to another who is under sixteen (16) and not the spouse of the alleged offender ; or
 - (c) By one person who is a caretaker or sibling of the other who is less than eighteen (18) years old.
 - (d) By a person younger than ten (10) years of age (underaged juvenile aggressor) to a person younger than eighteen (18) years of age.

Forcible Compulsion – physical force or a threat, express or implied, of death or physical injury to or kidnapping of any person.

- . The failure of the parent or caretaker to make reasonable efforts to stop an action by another person which resulted in oral sex (failure to protect).

III. Founding a report

This allegation may be founded only after the Worker has:

- . Verified that the child has been involved in oral sex, or the attempt to engage in oral sex; and

. Secured a preponderance of evidence that the oral sex, or the attempt occurred.

PINCHING OR STRIKING A CHILD IN THE GENITAL AREA: (Priority II)

I. Definition

Any act of pinching or striking, directly or through clothing, a child's genital area or sex organs. The contact can be with by any part of the alleged offender or any object.

II. Taking a report

- A. An acceptable reporter is any person with reasonable cause to suspect that a child was pinched or struck in the genital area as the result of maltreatment.

B. Usage

The reporter has reason to believe that the child was pinched or struck in the genital area as a result of one of the following:

A direct, non-accidental action of the parent or caretaker (abuse).

The failure of the parent or caretaker to make reasonable efforts to stop an action by another person which resulted in the child being pinched or struck in the genital area (failure to protect.)

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

Verified that the child is/was pinched or struck in the genital area; and

Secured a preponderance of evidence that the pinching or striking of the child's genital area was sustained as a result of maltreatment as defined in Section I.

POISON/NOXIOUS SUBSTANCES (Priority I)

I. Definition

Poison is any substance, including mood-altering chemicals taken into the body by ingestion, inhalation, injection, or absorption that interferes with normal physiological functions. This includes, but is not limited to any chemical used in, or generated during, the manufacture of methamphetamine. (Almost any substance, including water, can be poisonous if consumed in sufficient quantity; therefore, the term poison usually implies an excessive amount rather than a specific group of substances.)

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child consumed poison or a noxious substance as the result of maltreatment.

B. Usage

The reporter has reason to believe the child was poisoned or ingested a noxious substance as a result of one of the following:

- . A direct, non-accidental action of the parent or caretaker (abuse).
- . The failure of the parent or caretaker to make reasonable efforts to stop an action by another person which resulted in the child consuming poison or a noxious substance (failure to protect).
- . A blatant disregard of responsibilities for the child's welfare (neglect).

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

. Verified that the child has consumed, or been exposed to, poison or a noxious substance (as verified by chemical analysis or by a direct admission from the alleged offender); or

Verified that a child has been physically present, or has been in the location, during any phase of the manufacturing of methamphetamine, and

. Secured a preponderance of evidence that the consumption of the poison or noxious substance was the result of maltreatment as defined in Section I.

NOTE: See Appendix VIII (Protocol for Family Service Workers) in the DCFS Policy Manual. It explains how to respond to children exposed to methamphetamine or meth lab related chemicals.

PORNOGRAPHY/LIVE SEX ACT EXPOSURE (Priority I)

I. Definition

The parent, caretaker or person forces, permits or encourages a juvenile to view or observe:

- . obscene or licentious material, including pictures, movies and videos, lacking serious literary, artistic, political or scientific value, which, when taken as a whole and applying contemporary community standards would appear to the average person to appeal to the prurient interest; or
- . material which depicts sexual conduct in a patently offensive manner lacking serious literary, artistic, political or scientific value; or
- . any live human sexual activity.

II. Taking a Report

A. An acceptable reporter is any person with reasonable cause to suspect that a child has been forced, permitted or encouraged to view or observe obscene, licentious or offensive material or any live human sexual activity.

B. Usage

The reporter has reason to believe that a child has been forced, permitted or encouraged to view or observe obscene, licentious or offensive material or any live human sexual activity

III. Founding a Report

This allegation may be founded only after the Worker has:

Secured a preponderance of evidence that a child has been forced, permitted or encouraged to view or observe obscene, licentious or offensive material or any live human sexual activity.

SEXUAL CONTACT (Priority I)

I. Definition

Any act of sexual gratification involving the touching, directly or through clothing, of the sex organs, or buttocks, or anus of any child or the breast of a female child. This includes encouraging, forcing, or permitting the child to inappropriately touch parts of the alleged offender's body generally associated with sexual activity. Normal affectionate hugging will not be construed as sexual contact.

II. Taking a Report

A. An acceptable reporter is any person who has reasonable cause to suspect that a child has been the victim of sexual contact.

B. Usage

The reporter has reason to believe that sexual contact resulted from one of the following circumstances:

- (a) The alleged offender is ten (10) years of age or older and the alleged victim is under the age of eighteen and forcible compulsion was used in the act or attempt; or
- (b) By one person who is eighteen (18) or older to another who is under sixteen (16) and not the spouse of the alleged offender ; or
- (c) By one person who is a caretaker or sibling of the other who is less than eighteen (18) years old.
- (d) By a person younger than ten (10) years of age (underaged juvenile aggressor) to a person younger than eighteen (18) years of age.

Forcible Compulsion – physical force or a threat, express or implied, of death or physical injury to or kidnapping of any person.

- . The failure of the parent or caretaker to make reasonable efforts to stop an action by another person which resulted in oral sex (failure to protect).

II. Founding a Report

This allegation may be founded only after the Worker has:

- . Secured a preponderance of evidence that a child has been the victim of sexual contact.
- . Normal affectionate hugging will not be construed as sexual contact.

SEXUAL EXPLOITATION (Priority I)

I. Definition

Allowing, permitting, or encouraging participation or depiction of the juvenile in prostitution, obscene photographing, filming, or obscenely depicting a juvenile for any use or purpose.

This form of maltreatment does not require that the offender be a caretaker of the child.

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child has been sexually exploited .

B. Usage

The reporter has reason to believe that a child has been sexually exploited.

The failure of the parent or caretaker to make reasonable efforts to stop an action by another person which resulted in sexual exploitation. (failure to protect).

III. Founding a report

This allegation may be founded only after the Worker has:

- . Verified that the child has been sexually exploited; and
- . Secured a preponderance of evidence that the sexual exploitation occurred.

SEXUAL PENETRATION (Priority I)

I. Definition:

Any penetration, however slight, of any part of the body of one person or any animal or object into the sex organ or anus of another person when at least one of the persons involved is a child. This includes acts commonly known as anal penetration, digital penetration, coition, coitus and copulation.

This form of maltreatment does not require that the offender be a caretaker of the child.

II Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child was sexually penetrated as a result of maltreatment.

B. Usage

The reporter has reason to believe that sexual penetration of a child resulted from one of the following:

. A direct action by any person under any of the following circumstances:

(a) The alleged offender is ten (10) years of age or older and the alleged victim is under the age of eighteen and forcible compulsion was used in the act or attempt; or

(b) By one person who is eighteen (18) or older to another who is under sixteen (16) and not the spouse of the alleged offender ; or

(c) By one person who is a caretaker or sibling of the other who is less than eighteen (18) years old.

(d) By a person younger than ten (10) years of age (underaged juvenile aggressor) to a person younger than eighteen (18) years of age.

Forcible Compulsion – physical force or a threat, express or implied, of death or physical injury to or kidnapping of any person.

. The failure of the parent or caretaker to make reasonable and prudent efforts to prevent an action by another person, which resulted in sexual penetration (failure to protect).

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that the child was sexually penetrated; and
- . secured a preponderance of evidence that the sexual penetration or attempted sexual penetration occurred.

SHAKING A CHILD AGE FOUR OR OLDER (Priority II)

I. Definition

The parent or caretaker uses one or both hands to violently and rapidly intentionally or knowingly move the body of a child age four or older in a back and forth or up and down motion.

II. Taking a Report

A. An acceptable reporter is any person who has reasonable cause to suspect that a child age four or older has been intentionally or knowingly shaken by a parent or caretaker.

B. Usage

The reporter has reason to believe that a child ages four or older has been shaken by a parent or caretaker.

III. Founding a Report

This allegation may be founded only after the Worker has:

- . Secured a preponderance of evidence that a child age four years or older has been intentionally or knowingly shaken by a parent or caretaker causing an injury.

SHAKING A CHILD AGE THREE OR YOUNGER (Priority II)

I. Definition

The parent or caretaker uses one or both hands to violently and rapidly intentionally or knowingly move the body of a child age three or younger in a back and forth or up and down motion.

II. Taking a Report

A. An acceptable reporter is any person who has reasonable cause to suspect that a child age three or younger has been intentionally or knowingly shaken by a parent or caretaker.

B. Usage

The reporter has reason to believe that a child ages three or younger has been shaken by a parent or caretaker.

III. Founding a Report

This allegation may be founded only after the Worker has:

- . Secured a preponderance of evidence that a child age three years or under has been intentionally or knowingly shaken by a parent or caretaker with or without causing an injury.

SPRAINS/DISLOCATIONS (Priority II)

I. Definition

Sprain: trauma to a joint which causes pain and disability depending upon the degree of injury to ligaments. In a severe sprain, ligaments may be completely torn. The signs are rapid swelling, heat, and disability, often discoloration and limitation of function.

Discoloration: the displacement of any part, especially the temporary displacement of a bone from its normal position in a joint. Types include:

- . Complicated dislocation: a discoloration associated with other major injuries.
- . Compound dislocation: a dislocation in which the joint is exposed to the external air.
- . Closed dislocation: a simple dislocation.
- . Complete dislocation: a dislocation which completely separates the surfaces of a joint.

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child sustained a sprain or dislocation as a result of maltreatment.

B. Usage

The reporter has reason to believe that a sprain or dislocation resulted from one of the following:

- . A direct, non-accidental action of the parent or caretaker (abuse).
- . The failure of the parent or caretaker to make reasonable efforts to stop an action by another person which resulted in the child sustaining a sprain or dislocation (failure to protect).

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that the child currently has a sprain or dislocation or had a sprain or dislocation in the past (such verification must come from a physician, registered nurse, or by a direct admission from the alleged offender); and
- . Secured a preponderance of evidence that the sprain or dislocation was sustained as a result of maltreatment as defined in Section I.

STRIKING A CHILD AGE SEVEN OR OLDER ON THE FACE OR HEAD (Priority II)

I. Definition

The victim child, age seven or older, has sustained a blow to the face or head inflicted intentionally or knowingly by a parent or caretaker with either an open hand or an object.

II. Taking a Report

A. An acceptable reporter is any person who has reasonable cause to suspect that a child has been intentionally or knowingly struck on the face or head by a parent or caretaker.

B. Usage

The reporter has reason to believe that a child has been intentionally or knowingly struck on the face or head by a parent or caretaker.

III. Founding a Report

This allegation may be founded only after the Worker has:

Secured a preponderance of evidence that a child ages seven or older has been intentionally or knowingly struck on the face or head by a parent or caretaker causing a physical injury.

Abuse does not include physical discipline of a child when it is reasonable and moderate and is inflicted by a parent or guardian for purposes of restraining or correcting the child. Reasonable and moderate physical discipline should cause no more than transient pain or minor temporary marks.

The age, size and condition of the child and the location of the injury and the frequency of recurrence of injuries shall be considered when determining whether the physical discipline is reasonable and moderate.

STRIKING A CHILD AGE SIX OR YOUNGER ON THE FACE OR HEAD (Priority II)

I. Definition

The victim child aged six years or younger has sustained an intentional or knowing blow to the face or head inflicted by a parent or caretaker with either an open hand or an object.

II. Taking a Report

A. An acceptable reporter is any person with reasonable cause to suspect that a child aged six years or younger has been intentionally or knowingly struck on the face or head by a parent or caretaker.

B. Usage

The reporter has reason to believe that a child aged six years or younger has been intentionally or knowingly struck on the face or head by a parent or caretaker.

III. Founding a Report

This allegation may be founded only after the Worker has:

Secured a preponderance of evidence that a child aged six years or younger has been intentionally or knowingly struck on the face or head by a parent or caretaker with or without causing an injury.

STRIKING A CHILD WITH A CLOSED FIST (Priority II)

I. Definition

The parent or caretaker has used a clenched hand to intentionally or knowingly hit the child on any part of his body.

II. Taking a Report

A. An acceptable reporter is any person who has reasonable cause to suspect that a child has been intentionally or knowingly struck with a fist by a parent or caretaker.

B. Usage

The reporter has reason to believe that the child has been intentionally or knowingly struck with a fist by a parent or caretaker.

III. Founding a Report

This allegation may be founded only after the Worker has:

- . Secured a preponderance of evidence that the child has been intentionally or knowingly struck and physically injured by a parent or caretaker with a closed fist.

Abuse does not include physical discipline of a child when it is reasonable and moderate and is inflicted by a parent or guardian for purposes of restraining or correcting the child. Reasonable and moderate physical discipline should cause no more than transient pain or minor temporary marks.

The age, size and condition of the child and the location of the injury and the frequency of recurrence of injuries shall be considered when determining whether the physical discipline is reasonable and moderate.

SUBDURAL HEMATOMA (Priority I)

I. Definition

Hematoma is a swelling or mass of blood (usually clotted) confined to an organ, tissue, or space and caused by a break in a blood vessel.

Subdural means beneath the dura mater (the outer membrane covering the spinal cord and brain).

A subdural hematoma is located beneath the membrane covering the brain and is usually the result of head injuries or the shaking of a small child or infant. It may result in loss of consciousness, seizures, mental or physical damage, or death.

II. Taking a report

- A. Acceptable reporters are medical personnel, medical facilities or pediatric facilities with reasonable cause to suspect that a child sustained a subdural hematoma as the result of maltreatment.

- B. Usage

The reporter has reason to believe that the subdural hematoma resulted from one of the following:

- . A direct, non-accidental action of the parent or caretaker (abuse).

- . The failure of the parent or caretaker to make reasonable efforts to stop an action by another person which resulted in a subdural hematoma (failure to protect).

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that the child currently has a subdural hematoma or has sustained a subdural Hematoma in the past (such verification must come from a physician); and
- . Secured a preponderance of evidence that the subdural hematoma was sustained as a result of maltreatment as defined in Section I.

SUBSTANCE MISUSE (Priority II)

I. Definition

The consumption of a substance capable of intoxication to the extent that it observably affects the child's health, behavior, motor coordination, judgment, or intellectual capability. This may include such mood altering chemicals as cannabis (marijuana), hallucinogens, stimulants (including cocaine), sedatives (including alcohol and Valium), narcotics, or inhalants.

Examples of substance misuse may include, but are not limited to:

- . Giving a minor (unless prescribed by a physician) any amount of heroin, cocaine, morphine, peyote, LSD, PCP, pentazocine, or methaqualude or encouraging, insisting, or permitting a minor's consumption of the above substances.
- . Giving any mood altering substance, including alcohol or sedatives (unless prescribed by a physician) to an infant or toddler.
- . Encouraging, assisting, or permitting a child to consume alcohol, drugs, or another mood altering substance.
- . Encouraging, assisting, or permitting an adolescent to consume alcohol, drugs, or another mood altering substance.
- . Encouraging, assisting, or permitting any minor to consume alcohol, drugs, or another mood altering substance, even if on an infrequent basis.

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child has consumed a mood altering substance as a result of maltreatment.

B. Usage

The reporter has reason to believe that the substance misuse resulted from one of the following:

- . A direct, non-accidental action of the parent or caretaker (abuse).
- . One or more of the foregoing persons encouraged or assisted the child's consumption of the mood altering substances.
- . The failure of the parent or caretaker to make reasonable efforts to stop another person from giving mood altering substances to the child (failure to protect).
- . A blatant disregard to responsibilities for the child's welfare. This includes the failure of the parent or caretaker to take reasonable actions to prevent the child from misusing mood altering substances (neglect).

C. Factors to be considered

The following factors should be considered when determining whether a child is involved in substance misuse:

- . Age of child.
- . Frequency of substance misuse.
- . Amount of substance consumed.
- . Degree of behavior dysfunction, or physical impairment linked to substance misuse.
- . The child's culture, particularly as it relates to use of alcohol in religious ceremonies or on special occasions.
- . Whether the parent's or caretaker's attempts to control an older child's substance misuse or to seek help for the child's substance misuse were reasonable under the circumstances.

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that a child is currently involved in or has been involved in substance misuse; and
- . Secured a preponderance of evidence that the substance misuse was the result of maltreatment as defined in Section I.
- . Applied the factors in Section II, C, above and determined that the substance misuse is significant enough to constitute child abuse and neglect.

SUFFOCATION (Priority I)

I. Definition

The parent or caretaker intentionally or knowingly uses any means to interfere with a child's ability to breathe. This includes, but is not limited to choking the child, compressing the child's chest, placing a binding material around the child's neck or covering the child's nose and mouth with a hand or other object that restricts breathing.

II. Taking a report

- A. An acceptable reporter is any person with reasonable cause to suspect that a child has been suffocated as a result of maltreatment.

B. Usage

The reporter has reason to believe suffocation resulted from one of the following:

- . A direct, non-accidental action of the parent or caretaker (abuse).
- . The failure of the parent or caretaker to make reasonable efforts to stop an action by another which resulted in suffocation (failure to protect).

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that a child has been suffocated.
- .
- . Secured a preponderance of evidence that the suffocation occurred as a result of maltreatment as defined in Section I.

THREAT OF HARM (Priority I)

I. Definition

Conduct of the parent or caretaker creating a realistic and serious threat of death, permanent or temporary disfigurement, impairment of any bodily organ, or an injury to a juvenile's intellectual, emotional or psychological development as evidenced by observable and substantial impairment of the juvenile's ability to function within the juvenile's normal range of performance and behavior.

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a parent or caretaker's conduct has created a realistic and serious threat of harm.

B. Usage

The reporter has reason to believe that the parent or caretaker's conduct created a realistic and serious threat of harm that resulted from one of the following:

- . A non-accidental action of the parent or caretaker.
- . An intentional or knowing act of the parent or caretaker.

II. Founding a Report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that the incident occurred; and
- . Determined that the child is/was facing a realistic and serious threat of harm; and
- . Secured a preponderance of evidence that the parent or caretaker created a significant and realistic threat of harm as defined above in Section I.

THROWING A CHILD (Priority II)

I. Definition

The parent or caretaker of the child has thrown, hurled or flung the child into an object or across a space.

II. Taking a Report

A. An acceptable reporter is any person who has reasonable cause to suspect that a child has been thrown, hurled, or flung by a parent or caretaker.

B. Usage

The reporter has reason to believe that the child has been thrown, hurled, or flung into an object or across space by his parent or caretaker.

III. Founding a Report

This allegation of maltreatment may be founded only after the Worker has:

- . Secured a preponderance of evidence that the child was thrown, hurled, or flung by a parent or caretaker into an object or across space and a physical injury occurred.

Abuse does not include physical discipline of a child when it is reasonable and moderate and is inflicted by a parent or guardian for purposes of restraining or correcting the child. Reasonable and moderate physical discipline should cause no more than transient pain or minor temporary marks.

The age, size and condition of the child and the location of the injury and the frequency of recurrence of injuries shall be considered when determining whether the physical discipline is reasonable and moderate.

TYING/CLOSE CONFINEMENT: (Priority II)

I. Definition

Unreasonable restriction of a child's mobility, actions, or physical functioning by tying the child to a fixed (or heavy) object, tying limbs together or forcing the child to remain for more than a few minutes in a closely confined area which restricts physical movement. Examples include, but are not limited to:

- . Locking a child in a closet.
- . Tying one or more limbs to a bed, chair, or other object except as authorized by a licensed physician.
- . Tying a child's hands or legs together.

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child was tied or closely confined as the result of maltreatment.

B. Usage

The reporter has reason to believe that the child was tied or closely confined as a result of one of the following:

- . A direct, non-accidental action of the parent or caretaker (abuse).
- . The failure of the parent or caretaker to make reasonable efforts to stop an action by another person which resulted in the child being tied or closely confined (failure to protect.)

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- . Verified that the child is/was tied or closely confined; and
- . Secured a preponderance of evidence that the tying or close confinement was sustained as a result of maltreatment as defined in Section I. If the alleged offender contends that reasonable tying/close confinement was recommended by a physician or psychiatrist as a suggested means to ensure the child's safety or control the child's behavior, this must be verified by the physician or psychiatrist.

UNDERAGED JUVENILE AGGRESSOR (UNDER 10 YEARS OF AGE) (Priority I)

I. Definition:

Sexual abuse by a child younger than ten (10) years of age of another child younger than eighteen (18) years of age. The sexual abuse may be any of the following acts:

- Any contact or attempted contact between the sex organ of one child and the mouth of another child.
- Any act of sexual gratification involving the touching, directly or through clothing, of the sex organs, buttocks or anus of another child or the breast of a female child.
- Any penetration, however slight, of the anus or mouth of another child by his penis
- The penetration of the labia majora or anus of another child by any body member or foreign instrument manipulated by the child being assessed.

II. Taking a Report

A. An acceptable reporter is any person, who has reasonable cause to suspect that a child (under age 10 years) has sexually abused another child

B. Usage

The reported age of the child being investigated in under the age of 10.

III. Founding a Report

A determination may be made only after the Worker has:

- Established the exact age of the child being assessed and whether or not he/she has sexually abused (such as the behaviors listed above) another child; and
- Secured a preponderance of evidence that the sexual abuse or attempted sexual abuse either occurred or did not occur.

The overall finding or determination will be one of the following:

- **Unfounded** (unsubstantiated) - If there is no preponderance of evidence that the sexual abuse occurred
- **Exempt From Finding** (under ten years of age) – There is a preponderance of evidence that the sexual abuse occurred AND the child being assessed is less than ten (10) years old.

NOTE: If there is a preponderance of evidence that the sexual abuse occurred AND the child being assessed is ten (10) years of age or older, then an overall finding or determination of “True” will fall under one of the following types of sexual child maltreatment, whichever is most appropriate –

1. Oral Sex
2. Pornography/Live Sex Act Exposure
3. Sexual Contact
4. Sexual Exploitation
5. Sexual Penetration